ATTACHMENT W

July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 148 and 195 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Sections 148 and 195 require the Executive Office of Health and Human Services (EOHHS) to establish and implement an Incumbent Health Care Worker Certified Nursing Assistant (CNA) Certification Pilot Program. The purpose of the pilot is to provide paid training for health care workers with limited access to CNA certification training. The sections require that individuals who may have a difficult time attending classes while working be provided with flexibility to participate in the program. These sections also establish an advisory committee with membership from the Legislature, SEIU 1199, the Massachusetts Senior Care Association, Inc., the Massachusetts Hospital and Health Systems Association, and other stakeholders. After eighteen months, EOHHS is required to report on the results of the pilot and make recommendations for subsequent state action. EOHHS must implement the pilot by January 1, 2023.

CNAs are critical to our health care workforce. As we work to recover from the COVID-19 pandemic, the continuing strain on our health care workforce remains a serious challenge for the Commonwealth. I support the CNA certification pilot. It is a novel way to test alternative approaches to training and certification for health care staff who might not otherwise have the opportunity to obtain this credential and join the CNA workforce. However, the section’s proposed implementation deadline of January 1, 2023 is infeasible. Accordingly, I am returning these sections with the achievable implementation deadline of July 1, 2023.

For these reasons, I recommend that Section 148 be amended by striking out the section in its entirely and inserting in place thereof the following section:-

SECTION 148. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish and implement an Incumbent Health Care Worker Certified Nursing Assistant (CNA) Certification Pilot Program. The pilot shall offer paid training for incumbent health care workers with limited access to state-approved CNA certification training. The pilot shall provide flexibility to individuals who may have a difficult time attending day or evening classes while fulfilling their current work responsibilities.

(b) There is hereby established an Incumbent Health Care Worker CNA Certification Pilot Program Advisory Committee. The secretary of health and human services, or a designee, shall appoint such advisory committee to represent significant constituencies and stakeholders, including, but not limited to, the chairs of the joint committee on labor and workforce development, representatives from community-based organizations and nonprofit service providers, a representative from the Commonwealth Corporation Foundation, the SEIU 1199 Training and Upgrading Fund, the Massachusetts Senior Care Association, Inc., the Massachusetts Hospital and Health Systems Association, and other such stakeholders as the secretary of health and human services shall deem necessary. The advisory committee shall advise on matters and policies affecting the Incumbent Health Care Worker CNA Certification Pilot Program. The advisory committee shall supply constituent-focused labor market information, review general programmatic parameters and guidelines and assist with the identification of any issues and barriers to the pilot’s efficiency and effectiveness. The advisory committee shall meet from time to time, but not less frequently than bi-monthly.

(c) Not later than 6 months and 1 year, respectively, after implementation of the pilot, the executive office of health and human services shall report on the results of the pilot and offer findings and recommendations for subsequent state action related to the pilot to the house and senate committees on ways and means, the joint committee on labor and workforce development and the joint committee on health care financing.

And I further recommend that Section 195 be amended by striking out the section in its entirety and inserting in place thereof the following section:-

SECTION 195. Section 148 shall take effect on July 1, 2023.

Respectfully submitted,

Charles D. Baker

Governor