




**Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Office of Medicaid**  
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**MassHealth**  
**Continuous Skilled Nursing Agency**  
**Bulletin 14**  
**August 2023**

**TO:** Continuous Skilled Nursing Agencies Participating in MassHealth

**FROM:** Mike Levine, Assistant Secretary for MassHealth 

**RE:** **Prohibited Contracts or Agreements with Agency Nurses Providing Continuous Skilled Nursing Services**

### **Introduction**

This bulletin serves as a reminder of the contracts or agreements between a continuous skilled nursing (CSN) agency and a registered nurse (RN) or licensed practical nurse (LPN) that are unenforceable, in accordance with M.G.L. c. 112, s. 74D.

### **Relevant Language from M.G.L. c. 112, s. 74D**

M.G.L. c. 112, s. 74D states:

Any contract or agreement which creates or establishes the terms of a partnership, employment, or any other form of professional relationship with a nurse registered to practice as a registered nurse pursuant to section seventy-four, or a practical nurse registered to practice as a licensed practical nurse pursuant to section seventy-four A, which includes any restriction of the right of such nurse to practice as a nurse in any geographical area for any period of time after the termination of such partnership, employment or professional relationship shall be void and unenforceable with respect to said restriction. Nothing in this section shall render void or unenforceable any other provision of any such contract or agreement.

Accordingly, CSN agencies may not condition a RN or LPN's employment on the nurse signing a noncompete agreement or any other agreement that would prevent the nurse from seeking and securing additional employment as a nurse while still working for the agency, or alternative nursing employment after the nurse has left the CSN agency's employment. Such practices violate state law and may be subject to sanction under the MassHealth program, including but not limited to termination of the CSN agency's MassHealth provider agreement, in accordance with 130 CMR 450.238.

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**Questions**

If you have questions about the information in this bulletin, please contact the Long Term Services and Supports (LTSS) Provider Service Center.

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