The Commonwealth of Massachusetts

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**Massachusetts Department of Public Health**

**Home Care Licensing Commission**

**Meeting Minutes of Wednesday, June 2, 2021**

WebEX

**Date of Meeting:** **Wednesday, June 2, 2021**

**Beginning Time:** 10:03 AM

**Ending Time:** 11:25 AM

**Committee Members Present:** The following (11) appointed members of the Home Care Licensing Commission attended on June 2, 2021, establishing the required simple majority quorum (7) pursuant to Massachusetts Open Meeting Law (OML): Chair and Deputy Commissioner of the Department of Public Health Margret Cooke, 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

The first meeting of the Home Care Licensing Commission was called to order by Chairwoman Margret Cooke at 10:03AM. She welcomed the Committee members and welcomed Robert Jones from the Executive Office of Health and Human Services. Mr. Jones and staff from the Governor’s Office officiated the oath for the members of the Commission.

Chairwoman Cooke reviewed the statutory authority for the Home Care Licensing Commissioner (HCLC) and noted that the Commission is required to provide a report by October 1, 2021 to the legislature.

Chairwoman Cooke requested Rebecca Rodman, Senior Deputy General Counsel, from the Department of Public Health’s Office of General Counsel provide members with an overview of Open Meeting Law and Conflict of Interest. Attorney Rodman reviewed the requirements of both.

Chairwoman Cooke gave a brief description of home care services and home care agencies and asked Robin Lipson, Deputy Secretary for the Executive Office of Elder Affairs, to present on behalf of the Executive Office of Elder Affairs (EOEA) on an overview of EOEA’s current interaction with home care agencies through the Aging Services Access Points (ASAPs).

After the presentation, Chairwoman Cooke asked if there were any questions.

Tim Foley asked if EOEA knew how many private agencies there might be that do not contract with the ASAPs and if there is a gap in oversight there.

Ms. Lipson noted that to find that information, EOEA would have to review all business listings in every town. The best estimate that is available right now, is around 300 private agencies.

Representative Tom Stanley asked if there were any concerns about EOEA’s ability to provide this level of oversight.

Secretary Chen noted that what was presented by Robin Lipson is what EOEA is currently able to provide oversight of. Any further oversight would require additional resources.

Undersecretary Peters noted that part of the goal of the Commission is to determine what the licensure or process oversight would cover, which would inform what agency would regulate.

Lisa Gurgone mentioned that in the past, there has been mention of home care agencies being regulated by the Office of Consumer Affairs and Business Regulations.

**Member Discussion**

Chairwoman Cooke turned to the group to consider what specific topics related to the licensure of home care agencies that the Commission members want to highlight as important to discuss at future meetings.

Whitney Moyer noted that she would like to have a discussion about differentiating between certified home health agencies which are certified by CMS and the overlap between home health agencies and home care agencies. She noted that where there might be overlap, it would be helpful to know to streamline the process if possible.

Patricia Kelleher stated that she would like to create a framework but also keep home care services affordable to the consumer.

Lisa Gurgone added online matching services are also an issue and the private market that is out there makes licensure complicated.

Tim Foley stated that he thinks there is some consensus on the oversight delivery and wants to try to create a set of standards particularly on how to enter the market and how to create an entry into this market. He noted that he would like to see a standard applied across the board regardless of who is paying.

Patricia Kelleher stated that the Commission should consider how this can involve online registries where the employer is the client or a family member. Ms. Kelleher noted that she believes that if online registries are exempt from licensure, then every home care agency could just use an online registry rather than use the licensure process.

Lisa Gurgone added that often, people do not view this as medical services and the Commission has to be careful not to overburden the consumer.

Secretary Chen agreed that any licensure piece should be careful with respect to the consumer protection piece. She is interested in how other states regulate both home health agencies and home care agencies and noted that with hospitals and nursing homes, the location is regulated, but that is not the same for home care where the place of work is the home. The goal is to regulate an employer of people who then provide care.

Tim Foley agreed that he does not want to overmedicalize home care but also added that it is important to look at home care as a consumer issue and worker issue.

Lisa Gurgone agreed that the Commission should review other state licensure; it would be great to see what other states are doing and noted that Massachusetts does have a domestic workers bill of rights.

Lesley Nolan noted that New Jersey has an accrediting body and there are quality metrics. New York is also highly regulated with a 3-year Department of Health audit and Joint Commission accreditation.

Pat Kelleher added that Pennsylvania also has a licensure structure for home care agencies.

Chairwoman Cooke thanked the members for their thoughts and said that there will be an overview at the next meeting on licensure by other states. She asked if there were any other comments. Hearing none, she asked for a motion to Adjourn.

Motion to adjourn: Undersecretary Lauren Peters

Motion 2nd: Secretary Chen

Chairwoman Cooke asked for roll call vote on the motion. All members presented voted to adjourn the meeting. Chairwoman Cooke adjourned the meeting at 11:06AM.