

November 1, 2023

Memorandum

To: Mass Senior Care Members

From: Tara M. Gregorio, President

Re: Member Updates: Nursing Home Omnibus Reform Bill Reported Out Favorable by Joint Committee on Health Care Financing; MassHealth Issues MMIS Update; Clarification on MOLST Signatures

Date: November 1, 2023

Nursing Home Omnibus Reform Bill Reported Out Favorable by Joint Committee on Health Care Financing: Advances to House Committee on Ways and Means

The Joint Committee on Health Care Financing yesterday issued a favorable recommendation to [H.3929](#), An Act to Improve Quality and Oversight of Long-Term Care and referred the legislation to the House Committee on Ways and Means. As previously reported, the proposal makes sweeping changes to the suitability review process for licensure and change of ownership, seeks to address workforce shortages by establishing career ladder grants, subject to funding. The legislation would also increase state AGO and DPH licensure fines, as well as direct the DPH to work with the sector to establish and implement best practice training and education programs for nursing facilities based on most frequently cited deficiencies, require facilities to develop infection outbreak response plans, require EOHHS, beginning in 2025 to set Medicaid nursing facility rates using a base year no more than 2 years from the rate year, and require CHIA to conduct a complete cost trends analysis. The full House is expected to approve the bill by Thanksgiving. Mass Senior Care continues to work with lawmakers to expand the bill to further address our workforce challenges and funding inequities.

[MassHealth Issues MMIS Update](#) - PDPM Transition Issue

(Level of Care Coding Issue)

MassHealth has issued the following message to nursing facilities regarding the transition to MDS in regard to a technical issue that resulted in a portion of MassHealth members appearing to be no longer coded for long term care services effective October 1, 2023. The long-term providers impacted by this technical issue include Nursing facilities, Chronic and Disease Rehabilitation hospitals, and Rest Homes.

As a result, MassHealth members under the age of 64 are being enrolled into MassHealth ACO plans, both Model “A” and Model “B” plans.

As MassHealth works to resolve the technical issue, MassHealth members that were enrolled due to the technical issue will be disenrolled from MassHealth ACO plans. Long-term providers need not take any action at this time.

MassHealth will update providers once this issue has been resolved. If at that time, it appears that MassHealth members continue to be enrolled in MassHealth ACO plans, please email Institutionalprograms@mass.gov

Clarification on MOLST Signatures

In May 2023, the Massachusetts [EMS Statewide Treatment Protocols](#) were updated and includes guidance relative to the MOLST form for residents in licensed health care facilities (pg. 121). The protocols for a resident in a licensed health care facility allows the following:

If the guardian or agent cannot sign the MOLST form, and the licensed health care facility provides an alternate signature indicating that the required conversation with the guardian or agent has occurred and the form reflects the patient’s wishes and goals of care as expressed to the clinician who signed Section E on the agent’s behalf, then only the provider signature is required.

DPH encourages nursing facilities to continue to try to obtain the signatures for the MOLST form. If obtaining a signature is not feasible, the nursing facility should document the conversation, include the signature of the person having the conversation with the resident’s representative clearly sign the form as indicated in the [EMS Statewide Treatment Protocols](#).