

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to nursing home audit disallowances.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ronald Mariano	3rd Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 618 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO NURSING HOME AUDIT DISALLOWANCES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 7 of chapter 118G of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting in line 31 following the words, "...costs
3 incurred in that base year." the following:—

4 In the event the division conducts or utilizes an audit of nursing facilities' base year
5 costs for the purpose of reducing rates below levels that would be in effect in the
6 absence of the audit, the division shall:—

7 (1) conduct a field audit of 50 per cent of total nursing facilities licensed in the
8 base year in accordance with specified, uniform criteria;

9 (2) inform each audited nursing facility in writing of its right to appeal to the
10 division of administrative law appeals each and every audit disallowance to which the
11 nursing facility is subject;

12 (3) delay implementing the audit until all appeals by nursing facilities have been
13 completely adjudicated by the division of administrative law appeals;

14 (4) delay implementing the audit until the division has conducted a public
15 hearing the notice of which describes with particularity the methodology, audit criteria
16 and substantive standards utilized in the audit and the impact of implementing the audit
17 on quality care for nursing facility residents; and

18 (5) not implement any audit disallowance that is not fully concluded in
19 accordance with the preceding subsections by one year after the conclusion of the base
20 period.

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