

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Moore, Richard (SEN)**

*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 Reforming the Administration of Health Care**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Moore, Richard (SEN)	Worcester and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00684 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT REFORMING THE ADMINISTRATION OF HEALTH CARE.

*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 1. Section 17A of chapter 6 of the general laws as most recently appearing in  
2 the 2006 Official Edition, is hereby amended by striking the words “the secretary of health and  
3 human services, and inserting in place thereof: “the secretary of human services, the secretary of  
4 health,”

5           SECTION 2. Section 2 of chapter 6A of the general laws as most recently appearing in the 2006  
6 Official Edition, is hereby amended by striking out the words “health and human services,” and  
7 inserting in place thereof, “health, human services,”

8           SECTION 3. Section 3 of chapter 6A of the general laws as most recently appearing in the 2006  
9 Official Edition, is hereby amended by striking out the word, “health and human services,” and  
10 inserting in place thereof, “health, the secretary of human services,”

11 SECTION 4. Section 16 of chapter 6A of the general laws as most recently appearing in the 2006  
12 Official Edition, and amended by Section 715 of Chapter 26 of the Acts of 2003, is hereby  
13 amended by striking out said section 16, and inserting in place thereof a new section:

14 Section 16. Executive Office of Human Services

15 The executive office of human services shall serve as the principal agency of the executive  
16 department for the following purposes: (a) developing, coordinating, administering and  
17 managing the welfare and human services operations, policies and programs; (b) supervising and  
18 managing the organization and conduct of the business affairs of the departments, commissions,  
19 offices, boards, divisions, institutions and other entities within the executive office to improve  
20 administrative efficiency and program effectiveness and to preserve fiscal resources; (c)  
21 developing and implementing effective policies, regulations and programs to assure the  
22 coordination and quality of services provided by the secretary and all of the departments,  
23 agencies, commissions, offices, boards, and divisions; (d) acting as the single state agency under  
24 section 1902(a)(5) of the Social Security Act authorized to supervise and administer the state  
25 programs under title XIX, for the programs under titles IV (A), IV (B), IV (E), XX and XXI of  
26 the Social Security Act, and for the programs under the Rehabilitation Act; and (e) maximizing  
27 federal financial participation for all agencies, departments, offices, divisions and commissions  
28 within the executive office and supporting similar activities in the executive office of health and  
29 mental hygiene.

30 The executive office of human services shall include: (1) the department of elder affairs under  
31 the direction of a secretary of elder affairs, who shall be appointed by the governor; (2) the office  
32 of children, youth and family services, which shall include the department of social services, the

33 department of transitional assistance, the department of youth services, the office of child care  
34 services, the child abuse prevention board and the office for refugees and immigrants; (3) the  
35 office of disabilities and community services, which shall include the department of  
36 developmental disabilities, the Massachusetts rehabilitation commission, the Massachusetts  
37 commission for the blind, the Massachusetts commission for the deaf and hard of hearing and the  
38 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke; and (4) the department of  
39 veterans' services under the direction of the secretary of veterans' services, who shall be  
40 appointed by the governor.

41 The governor shall appoint a secretary of human services, who shall serve at the pleasure of the  
42 governor and shall act as the executive officer in all matters pertaining to the administration,  
43 management, operation, regulation, planning, fiscal and policy development functions and affairs  
44 of the departments, commissions, offices, boards, divisions and other agencies within the  
45 executive office.

46 The secretary shall have the authority to: (a) through the department of elder affairs and the  
47 division of medical assistance and other agencies within the executive office, as appropriate,  
48 operate and administer the programs of medical assistance and medical benefits under chapter  
49 118E; provided, however, that the executive office under the direction of the secretary shall be  
50 the single state agency under section 1902(a)(5) of the Social Security Act, under Title XIX  
51 agency, for programs under titles IV(A), IV(B), IV(E), XX and XIX of the Social Security Act  
52 and for programs under the Rehabilitation Act; (b) establish certain rates of payment for health  
53 care services pursuant to section 2A of chapter 118G; (c) coordinate and supervise the  
54 administration of the executive office and its agencies to promote economy and efficiency and  
55 improve service delivery; (d) establish uniform regional and area boundaries for the agencies

56 within the executive office; (e) establish uniform contracting and payment procedures for the  
57 executive office and its agencies; (f) develop and implement a management information system  
58 for the management of fiscal, client and program data necessary for the efficient administration  
59 of the agencies within the executive office; (g) pursuant to chapter 30A, make, amend and repeal  
60 rules and regulations for the management and administration of the executive office and agencies  
61 within the executive office, including regarding the sharing of data, including personal data,  
62 between and among the executive office and its agencies, subject to appropriate protections for  
63 the confidentiality of client data; (h) execute all instruments necessary for carrying out the  
64 business of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and  
65 encumber property in the name of the executive office and its agencies; (j) enter into agreements  
66 and transactions with federal, state and municipal agencies and other public institutions and  
67 private individuals, partnerships, firms, corporations, associations and other entities on behalf of  
68 the executive office or its agencies; (k) charge and collect fees, rentals and other charges as may  
69 be reasonable and necessary for carrying out the business of the executive office and its  
70 agencies; (l) apply for and accept funds, including grants, bequests, gifts and contributions on  
71 behalf of the commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the  
72 executive and administrative head of each office, department, division, bureau, section, agency  
73 and other administrative unit within the executive office, except as specifically provided by law.  
74 The secretary may delegate any of the foregoing powers to an officer having charge of a  
75 department, office, division or other administrative unit within the executive office.

76 The secretary of human services may appoint an assistant secretary for each of the following  
77 offices: disabilities and community services; and children, youth and family services. The  
78 assistant secretaries shall serve at the pleasure of the secretary and shall perform such duties as

79 the secretary shall determine. Notwithstanding any general or special law to the contrary, the  
80 secretary may appoint an individual to serve simultaneously as the commissioner of any agency  
81 within the executive office and as an assistant secretary for the offices disability and community  
82 services; and children, youth and family services. If the secretary appoints an individual to serve  
83 simultaneously as a commissioner and assistant secretary, the individual shall only be  
84 compensated for service in 1 office.

85 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he deems  
86 necessary or desirable for the effective performance of the executive office. Such personnel shall  
87 perform such duties as the secretary shall determine and serve at the pleasure of the secretary.

88 The secretary shall establish a performance measurement system for the agencies within the  
89 executive office, which shall establish program goals, measure program performance against  
90 those goals and report publicly on progress to improve the effectiveness of human services  
91 programs, service delivery and policy decision-making. The performance measurement system  
92 shall require each agency to develop a strategic plan for program activities and performance  
93 goals. The system shall require annual program performance reports which shall be submitted to  
94 the house and senate committees on ways and means and the joint committee on human services  
95 and elder affairs.

96 SECTION 5. Chapter 6A of the general laws as most recently appearing in the 2006 Official  
97 Edition, is hereby amended by inserting after section 16, two new sections:

98 Section 16A. Executive Office of Health

99 The executive office of health shall serve as the principal agency of the executive department for  
100 the following purposes: (a) developing, coordinating, administering and managing the public

101 health and mental health, policies and programs; (b) supervising and managing the organization  
102 and conduct of the business affairs of the departments, commissions, offices, boards, divisions,  
103 institutions and other entities within the executive office to improve administrative efficiency  
104 and program effectiveness and to preserve fiscal resources; (c) developing and implementing  
105 effective policies, regulations and programs to assure the coordination and quality of services  
106 provided by the secretary and all of the departments, agencies, commissions, offices, boards, and  
107 divisions.

108 The executive office of health shall include: (1) the office of health services, which shall include  
109 the department of public health, the department of mental health, and the Betsy Lehman center  
110 for patient safety and medical error reduction; (2) the division of medical assistance; (3) the  
111 managed care oversight board; (4) the health facilities appeals board, (5) the Massachusetts  
112 nursing collaborative, (6) the health care cost and quality council, and (7) the commonwealth  
113 health connector, which shall be located within, but not subject to the control of the executive  
114 office.

115 The governor shall appoint a secretary of health, who shall serve at the pleasure of the governor  
116 and shall act as the executive officer in all matters pertaining to the administration, management,  
117 operation, regulation, planning, fiscal and policy development functions and affairs of the  
118 departments, commissions, offices, boards, divisions and other agencies within the executive  
119 office.

120 The secretary shall have the authority to: (a) establish and regularly update, in accordance with  
121 the provisions of section 16A (1), a comprehensive state health policy whose mission is to  
122 enhance the health and well being as demonstrated through improved health outcomes of all

123 Massachusetts residents by promoting accountable, yet caring; cost-effective, yet high quality  
124 health care; using evidence-based, patient-centered methods of programming, treatment, and  
125 service delivery, (b) establish certain rates of payment for health care services pursuant to section  
126 2A of chapter 118G; (c) coordinate and supervise the administration of the executive office and  
127 its agencies to promote economy and efficiency and improve service delivery; (d) establish  
128 uniform regional and area boundaries for the agencies within the executive office; (e) establish  
129 uniform contracting and payment procedures for the executive office and its agencies; (f) share  
130 with the secretary of human services the development and implementation of a management  
131 information system for the management of fiscal, client and program data necessary for the  
132 efficient administration of the agencies within the executive office so that those seeking service  
133 from health or human service agencies or programs shall make application through a single  
134 universal application portal; (g) pursuant to chapter 30A, make, amend and repeal rules and  
135 regulations for the management and administration of the executive office and agencies within  
136 the executive office, including regarding the sharing of data, including personal data, between  
137 and among the executive office and its agencies, subject to appropriate protections for the  
138 confidentiality of client data; (h) execute all instruments necessary for carrying out the business  
139 of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and encumber  
140 property in the name of the executive office and its agencies; (j) enter into agreements and  
141 transactions with federal, state and municipal agencies and other public institutions and private  
142 individuals, partnerships, firms, corporations, associations and other entities on behalf of the  
143 executive office or its agencies; (k) charge and collect fees, rentals and other charges as may be  
144 reasonable and necessary for carrying out the business of the executive office and its agencies;  
145 (l) apply for and accept funds, including grants, bequests, gifts and contributions on behalf of the



146 commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the executive and  
147 administrative head of each office, department, division, bureau, section, agency and other  
148 administrative unit within the executive office, except as specifically provided by law. The  
149 secretary may delegate any of the foregoing powers to an officer having charge of a department,  
150 office, division or other administrative unit within the executive office.

151 The secretary of health shall appoint a chief medical officer of the commonwealth, and may  
152 appoint an assistant secretary for each of the following offices: public health and wellness, health  
153 care quality and patient safety, and mental health. The assistant secretaries shall serve at the  
154 pleasure of the secretary and shall perform such duties as the secretary shall determine.

155 Notwithstanding any general or special law to the contrary, the secretary may appoint an  
156 individual to serve simultaneously as the commissioner of any agency within the executive office  
157 and as an assistant secretary for the offices of public health and wellness, health care quality and  
158 patient safety, or mental health. If the secretary appoints an individual to serve simultaneously as  
159 a commissioner and assistant secretary, the individual shall only be compensated for service in  
160 one office.

161 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he deems  
162 necessary or desirable for the effective performance of the executive office. Such personnel shall  
163 perform such duties as the secretary shall determine and serve at the pleasure of the secretary.

164 The secretary shall establish a performance measurement system for the agencies within the  
165 executive office, which shall establish program goals, measure program performance against  
166 those goals and report publicly on progress to improve the effectiveness of health programs,  
167 service delivery and policy decision-making. The performance measurement system shall require

168 each agency to develop a strategic plan for program activities and performance goals. The  
169 system shall require annual program performance reports which shall be submitted to the house  
170 and senate committees on ways and means and the joint committee on health care financing.