

August 10, 2018

As part of the Baker Administration's regulatory review and efforts to provide short-term regulatory relief to the nursing home provider community, the Public Health Council yesterday authorized the Department of Public Health (DPH) to promulgate revisions to 105 CMR 153.000, ***Licensure Procedure and Suitability***

***Requirements for Long-Term Care Facilities***. Mass Senior Care supports these regulations which address many concerns Mass Senior Care members and other stakeholders put forth including removal of outdated and conflicting provisions, elimination of unnecessary administrative burdens, and improving efficiencies for providers by allowing co-location of services in unlicensed space within the facility.

The Department recognized a series of recommendations submitted by Mass Senior Care Association, including the following:

- **105 CMR 153.030 Operational Flexibility** – DPH adopted Mass Senior Care's recommendation to allow for co-location of services in unlicensed space within the long-term care facility and to "grandfather" existing waivers that allow community-based services, like adult day health, to be co-located within a nursing facility.
- **153.022 Transfer of Ownership** – This section was updated to streamline the transfer of ownership process by establishing clear deadlines. At Mass Senior Care's request, this change in the regulation requires the public notice of intent to be published at least 45 days prior to the event, and to allow requests for a hearing and public comments to be submitted by email and facsimile. In addition, the Department will standardize the 14 day public response timeframes.
- **153.023 Voluntary Closure** – DPH will streamline the nursing home voluntary closure process by allowing a facility to simultaneously submit both a notice of intent to close and a closure plan. Per Mass Senior Care's request, this change would allow all stakeholders to immediately engage in and begin the necessary work needed to close a nursing home. The rules regarding the voluntary closure of nursing facilities must protect resident care and safety, while recognizing the cost and logistical challenges of closing a facility.

- **105 CMR 153.015(D) Limitations on New Admissions** – DPH amended the regulation to specify that the limitation on new admissions will be lifted as soon as practicable after the Department's finding of substantial compliance. This was a direct result of Mass Senior Care's recommendation to immediately notify and lift the limitation or prohibition of new admissions upon re-survey and finding of substantial compliance of a facility in Immediate Jeopardy.

Thank you to Mass Senior Care members who provided feedback and assisted staff with making recommendations to DPH. Please contact [Helen Magliozzi](#), Director of Regulatory Affairs if you have questions.