

Massachusetts Advocates for Nursing Home Reform

House Bill #4577 “An Act To Encourage and Maintain Family Councils in Nursing Homes”

After being in existence for only a few months, in February, 2001, the Massachusetts Advocates for Nursing Home Reform (MANHR) filed “An Act To Encourage and Maintain Family Councils in Nursing Homes” (based on successful CA legislation). We were making progress, but we decided to terminate our attempts due to the serious events of September 11th. We re-filed the bill in the next legislative cycle in the summer of 2003. This time, twenty-one legislators (four times more than our initial co-sponsors) signed on, primarily through the efforts of two of our members who attended an annual State House event to promote legislative support on various new bills. We are proud to report that effective July 1, 2004, House Bill #4577 became law in the Commonwealth of Massachusetts. Background and tips follow:

- Obtain an endorsement letter from the Office of the Attorney General. Written support from the Attorney General was extremely valuable in the eyes of the legislators and also in approaching other organizations for their support.
- Both NCCNHR and the California Advocates for Nursing Reform were valuable resources throughout this process, lending their expertise and experiences to help us in any way we needed. Please also feel free to contact MANHR for support with family-council legislation.
- When the bill passed the Health Care Committee, the nursing home industry offered to meet. They could have squashed our efforts without any discussion, but they wanted a few compromises, and we negotiated. Even though we agreed to some changes in the bill, we accomplished quite a bit - we retained a strong bill, and when asked by legislators if we met with the industry, we could say we achieved certain compromises and the industry was “silent” on the bill. This allowed our legislators to freely support our legislation.
- However, we were still somewhat concerned that the industry could “change its mind” and oppose the bill, so we solicited support from the Department of Public Health (“DPH”), the regulatory agency. DPH also advises the Governor on bills in its jurisdiction, so if DPH concurred with our legislation, we would also be assured the bill would pass the Governor’s scrutiny.
- We were very fortunate to have the pro bono services of a lobbyist who was instrumental in the success of our bill. Rather than go through the lengthy legislative committee process, he advised us to include the bill as an outside section to the state budget (even though the bill did not have any cost associated with it) – once the budget was approved, then our bill would be swept into law. He also arranged meetings with key legislators.
- Now that the focus was the inclusion of the bill in the state budget, we geared legislative mailings and meetings to this end. We contacted all of the bill’s sponsors and Health Care Committee members (by mail and in person) asking them to include the bill in the senate and house budgets, as applicable. We met with the analysts of both the Senate and House Ways and Means Committees to educate them on the need for family-run councils and the importance of the bill in protecting those councils. Since it was getting close to election season, we attended fundraisers for key legislators.
- We were successful getting the bill into the House budget, but the bill failed legislative review. However, we were able to obtain a letter of support from the House Chair of the Health Care Committee to rally support on the House side. The Chair of the Senate Ways and Means Committee was the Senator for one of the advocacy groups that endorsed our bill. This group brought the plight of our bill to the attention of their Senator who then wrote a letter of support – this was instrumental in achieving the inclusion of the bill in the Senate budget. We also met with the Conference Committee analyst, and the bill was reconciled in Conference Committee.