

Chapter 131  
of the Acts of 2020

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

*In the One Hundred and Ninety-First General Court*

AN ACT MAKING CERTAIN APPROPRIATIONS FOR FISCAL YEAR 2021 BEFORE FINAL ACTION ON THE GENERAL APPROPRIATION BILL.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which are forthwith to make appropriations and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

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

SECTION 1. Notwithstanding any general or special law to the contrary, the amount of \$16,530,000,000 is hereby appropriated for the fiscal year ending June 30, 2021, to meet necessary obligations before the enactment of the general appropriations act for that fiscal year, for the maintenance and operations of the various departments, boards, commissions and institutions, including federal grant and Intergovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. This appropriation shall cease to be operative on the effective date of the general appropriations act and all actions taken under this section shall apply against that general appropriations act. All expenditures made under this section shall be consistent with appropriations made in the general appropriations act.

SECTION 2. Notwithstanding any general or special law to the contrary, items funded through this act shall be funded in a manner assuming not less than the lower of the general appropriations act for fiscal year 2020 or the operating budget submitted by the governor for fiscal year 2021 pursuant to section 7H of chapter 29 of the General Laws.

If cost savings occur in a given item that would result in an appropriation less than the lower of the general appropriations act for fiscal year 2020 or the operating budget submitted by the governor for fiscal year 2021 pursuant to said section 7H of said chapter 29, the secretary of administration and finance shall report to the house and senate committees on ways and means on the savings achieved not less than 15 days before said savings are reflected in the allotment schedule adopted by the executive office for administration and finance; provided, however, that no said savings shall be achieved through reductions in eligibility standards or benefit levels as compared with items funded in the general appropriations act for fiscal year 2020. If federal programs, or other alternative funding sources,

are available to supplant state funding for the same purposes, the secretary may reduce the state's portion of said funding in a manner commensurate with the additional federal revenue received for said purpose.

SECTION 3. The secretary for administration and finance shall provide monthly reports to the house and senate committees on ways and means, including, but not limited to the: (i) allotments provided for each item funded through this act; (ii) assumed full-year appropriation for each item funded through this act based on the year-to-date allotments; (iii) if applicable, an explanation for any changes in the assumed full-year appropriation from the previous monthly report.

SECTION 4. Notwithstanding any general or special law to the contrary, payments from the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws may be made as safety net care payments under the commonwealth's waiver pursuant to section 1115 of the federal Social Security Act, 42 U.S.C. 1315, as an adjustment to service rate payments under Title XIX and XXI of said federal Social Security Act or as a combination of both. Other federally permissible funding mechanisms available for certain hospitals, as defined by regulations of the executive office of health and human services, may be used to reimburse up to \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of said chapter 118E using sources distinct from the funding made available to the Health Safety Net Trust Fund.

SECTION 5. Notwithstanding any general or special law to the contrary, not later than October 1, 2020 and without further appropriation, the comptroller shall transfer from the General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and community health centers required pursuant to this act, for the purposes of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2020. These payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall transfer from the Health Safety Net Trust Fund to the General Fund, not later than June 30, 2021, the amount of the transfer authorized by this section and any allocation of that amount as certified by the director of the health safety net office.

SECTION 6. Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal year 2021, the executive office of health and human services may determine, subject to required federal approvals, the extent to which to include, within its covered services for adults, the federally-optional dental services that were included in its state plan or demonstration program in effect on January 1, 2002; provided, however, that dental services for adults enrolled in MassHealth shall be covered at least to the extent they were covered as of June 30, 2020; and provided further, that notwithstanding any

general or special law to the contrary, not less than 45 days before restructuring any MassHealth dental benefits, the executive office of health and human services shall file a report with the executive office for administration and finance and the house and senate committees on ways and means detailing the proposed changes and the anticipated fiscal impact of the changes.

SECTION 7. Notwithstanding any general or special law to the contrary, nursing facility rates effective October 1, 2020 under section 13D of chapter 118E of the General Laws may be developed using the costs of calendar year 2014 or any subsequent year that the secretary of health and human services may select in the secretary's discretion; provided, however, that such nursing facility rates on an aggregate basis, including any rate add-ons, shall be at least the amount such nursing facility rates would be if they were developed using the costs of calendar year 2017.

SECTION 8. This act shall take effect on July 31, 2020 and shall be in effect until October 31, 2020.

House of Representatives, July 28, 2020.

Preamble adopted,

*Paul Donato*, Speaker.

In Senate, July 28, 2020.

Preamble adopted,

*Cindy F. Friel*, President.

House of Representatives, July 28, 2020.

Bill passed to be enacted,

*Paul Donato*, Speaker.

In Senate, July 28, 2020.

Bill passed to be enacted,

*Cindy F. Friel*, President.

I return for amendment, pursuant to the authority vested in me by Article 56, as amended by Article 90, Section 3, of the Amendments to the Constitution, Sections 2, 3, and 8. The text of my recommended amendments is set forth in separate letters of this date to the Senate and House of Representatives.

The remainder of this bill I approve.

Approved, August 4, 2020

at 9 o'clock and 38 minutes, *AB* .M.

*Charles D. Baker*  
Charles D. Baker  
Governor