



Commonwealth of Massachusetts  
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

# **Proposed Rescission of 105 CMR 131.000: *The Operation of the Advocacy Office***

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- As part of regulatory review, as mandated by Executive Order 562, the Bureau of Health Care Safety and Quality (BHCSQ) proposes rescinding 105 CMR 131.000, *The Operation of the Advocacy Office*, having determined that:
  - the regulation is duplicative of state and federal regulations;
  - the statute itself is sufficient without regulation; and
  - It is not essential to the health, safety, environment or welfare of the Commonwealth's residents.



## Background

- The underlying statute, section 51D of chapter 111 of the General Laws, prohibits any acute hospital discrimination in admission, services, or discharge against any patient who is a Medicare beneficiary.
- The statute directs the Department of Public Health to establish and operate an Advocacy Office to receive complaints of alleged violations of this provision.
- The Advocacy Office is part of the Bureau of Health Care Safety and Quality's Complaints Unit.



## Background

- These regulations are unnecessary because they are duplicative of hospital licensure regulations and statutes prohibiting discrimination.
- Existing Department regulations apply to all patients, not just Medicare patients.
- A patient who is aggrieved by a hospital can seek assistance through the Department's Complaint Unit or CMS's Quality Improvement Organization.



## Next Steps

- Staff intends to conduct the public comment hearing and return to the PHC to report on testimony and any recommended changes to this proposal.
- Following final action by the PHC, the Department will be able to file the final rescission with the Secretary of the Commonwealth.



## Additional Information

- Thank you for the opportunity to present this information today.
- For more information on the operation of the advocacy office, please find the relevant statutory language and the full current regulation here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section51D>

<http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr131.pdf>