



Commonwealth of Massachusetts
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

105 CMR 131.000:
The Operation of the Advocacy Office

Final Regulatory Rescission Presentation

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- The purpose of this presentation is to request final approval by the Public Health Council of the rescission of 105 CMR 131.000, *The Operation of the Advocacy Office*.
- The rescission of this regulation is proposed as part of the regulatory review process, mandated by Executive Order 562.
- 105 CMR 131.000 sets forth standards and requirements for the receipt, investigation and resolution of complaints received by the Advocacy Office and for the conduct of discharge plan reviews of Medicare patients only. It applies only to acute care hospitals and provision of services to Medicare beneficiaries.



Preliminary PHC Presentation

- As a reminder, on December 14, 2016, the Department presented to the Public Health Council the proposed rescission of 105 CMR 131, *The Operation of the Advocacy Office*.
- The presentation highlighted that, as part of the regulatory review process, the Department proposed rescinding this regulation 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.



Preliminary PHC Presentation

- 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.



Preliminary PHC Presentation

- 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.



No public comments were received during the public comment period, which included a public hearing on May 11, 2017.



Next Steps

- Staff requests the Public Health Council approve the final rescission of 105 CMR 131.000.
- Following final action by the Public Health Council, the Department will 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>