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To: Commissioner Monica Bharel, MD, and Members of the Public Health Council

From: Rebecca Rodman, Deputy General Counsel

Date: April 4, 2018

RE: Request to Rescind 105 CMR 151.000: *General Standards of Construction for Long-Term Care Facilities in Massachusetts.*

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## I. Introduction

105 CMR 151.000 governs physical plant requirements for facilities that will assure the health, comfort, safety, and well-being of all residents and staff in long-term care facilities. The Department of Public Health (DPH) proposes rescinding this regulation because the regulation has been incorporated into a more appropriate section of the Code of Massachusetts Regulations, 105 CMR 150.000, *Standards for Long-Term Care Facilities.*

## II. Proposed Rescission of Regulation

The Department previously briefed the Public Health Council (PHC) on the proposed rescission of this regulation in its entirety, through which all relevant provisions of this regulation would be incorporated into the long-term care licensure standards regulation (105 CMR 150.000). This proposal is designed to provide greater clarity to long-term care facilities by consolidating all licensing standards into one regulation. Rescinding this regulation will also eliminate construction standards that presently duplicate physical plant standards found in 105 CMR 150.000, creating confusion for regulated parties.

### **III. Public Comment**

After initial review by the PHC the Department held a public comment period, which included a public hearing. During that public comment period, the Department did not receive comments related to rescinding this regulation.

### **III. Summary**

The Department held a public hearing to solicit comments on the proposed rescission, and received no comments regarding the proposed rescission.

At its meeting on March 6, 2018, the PHC voted to approve amendments to 105 CMR 150.000; those amendments were promulgated on March 23, 2018 and included all relevant sections of 105 CMR 151.000, thus making 105 CMR 151.000 duplicative of the construction and physical plant standards now found in 105 CMR 150.000. Therefore, the Department requests approval to rescind 105 CMR 151.000.

DPH staff respectfully request approval to move forward with the rescission of this regulation as originally proposed.