

## ***Outside Sections***

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## ***Outside Sections Summary***

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### **Section 4 - CPAT Changes**

#### Section 4

*Summary:*

This section describes the responsibility of the Governor's Office, and each executive office, for performance management.

### **Section 5 - Center for Health Information and Analysis**

#### Section 5

*Summary:*

This section re-establishes the center for health information and analysis (CHIA) as an entity operating within the executive office of health and human services.

### **Section 6 - MassDOT Advertising**

#### Section 6

*Summary:*

This section reduces ambiguity by explicitly authorizing MassDOT to sell, lease or otherwise contract for advertising, including on or in its own facilities.

### **Section 7 - CPAT Changes**

#### Section 7

*Summary:*

This section together with the following section eliminates the office of commonwealth performance, accountability and transparency (CPAT) as an office within ANF. ANF will continue to be responsible for several accountability and transparency functions, including administering the Open Checkbook website, while the Office of the Governor will oversee performance management.

### **Section 8 - CPAT Changes**

#### Section 8

*Summary:*

This section together with the preceding section eliminates the office of commonwealth performance, accountability and transparency (CPAT) as an office within ANF. ANF will continue to be responsible for several accountability and transparency functions, including administering the Open Checkbook website, while the Office of the Governor will oversee performance management.

### **Section 9 - CPAT Trust Fund Changes**

#### Section 9

*Summary:*

This section allows the Commonwealth Performance, Accountability and Transparency Trust to continue to support accountability and transparency efforts, while also supporting the performance management initiatives that will now be run by the Governor's Office.

### **Section 10 - Center for Health Information and Analysis**

#### Section 10

*Summary:*

This section realigns the organization of the center for health information and analysis to make that organization consistent with its re-location within the executive office of health and human services.

### **Section 11 - Board of Registration in Medicine Oversight**

Section 11

*Summary:*

This section eliminates the authority of the Board of Registration in Medicine (BORIM) to hire attorneys and to enter into contracts or make other arrangements for administrative services.

**Section 12 - Board of Registration in Medicine Oversight**

Section 12

*Summary:*

This section modifies the provisions under which the commissioner of the Department of Public Health (DPH) may review any rule or regulation issued by BORIM. The revised language eliminates the existing provision whereby any such rule or regulation submitted to the commissioner is deemed approved unless the commissioner indicates disapproval within 15 days of submission.

**Section 13 - Tourism Grants**

Section 13

*Summary:*

This section proposes to eliminate the current statutory entitlement of each regional tourism council to grant funding and convert tourism funding into a competitive program.

**Section 14 - Commonwealth Care Trust Fund Spending**

Section 14

*Summary:*

This section codifies the ability of the Commonwealth Care Trust Fund to spend in anticipation of revenues

**Section 15 - Medical Assistance Trust Fund Authority**

Section 15

*Summary:*

This section authorizes the Medical Assistance Trust Fund to make incentive payments, in addition to supplemental Medicaid payments, to publicly-owned hospitals, as required under the new Medicaid waiver agreement with the federal government.

**Section 16 - Classification Appeals**

Section 16

*Summary:*

Under current law, a challenge to a civil service classification requires a hearing, regardless of its merit. This section permits challenges to be resolved on the written record, thereby conserving state resources.

**Section 17 - FY17 Pension Transfer**

Section 17

*Summary:*

This section changes the amount required to be transferred to the retirement system in fiscal year 2017, to reflect the impact in that year of the early retirement incentive program implemented during fiscal year 2015 on the retirement system.

**Section 18 - GIC Contribution Ratios**

Section 18

*Summary:*

Under current law, state employees hired before July 1, 2003, must contribute twenty percent of their monthly health insurance premium, while those hired thereafter contribute twenty-five percent. This

section equalizes that contribution at twenty-five percent.

### **Section 19 - Secure Vital Registry Trust Fund**

#### Section 19

*Summary:*

This section establishes the Secure Vital Registry Trust Fund as a trust administered by DPH, that it can use to support its development and maintenance of a secure registry of vital records, accessible by both state and municipal officials.

### **Section 20 - Duration of DCR Permits**

#### Section 20

*Summary:*

This section authorizes the Department of Conservation and Recreation (DCR) to enter into written permits of up to 10 years for open spaces for exercise and recreation in the Greater Boston area. Currently, DCR is only allowed to enter into 5-year permits.

### **Section 21 - Vaccine Purchase Trust Fund**

#### Section 21

*Summary:*

This section adds a sentence allowing DPH to spend in anticipation of revenues out of the Vaccine Purchase Trust Fund, which was enacted last year in chapter 28 of the acts of 2014.

### **Section 22 - Board of Registration in Medicine Oversight**

#### Section 22

*Summary:*

This section places BORIM under the supervision of the commissioner of DPH. Currently, BORIM is not listed as one of the boards that DPH is directed to supervise pursuant to section 1 of chapter 112.

### **Section 23 - Expanding Fee Waivers for Veterans Under the Valor Act**

#### Section 23

*Summary:*

This section provides for waivers of license application fees for veterans regardless of whether the licensing board is supervised by the Division of Professional Licensure or the Department of Public Health.

### **Section 24 - Volume Purchasing of Durable Medical Equipment**

#### Section 24

*Summary:*

MassHealth is currently authorized to contract with providers for services, as long as those contracts are reviewed by CHIA and by ANF. This section expands that authorization to permit MassHealth to also contract with manufacturers of equipment and supplies. This section also eliminates review of all such contracts by CHIA and ANF.

### **Section 25 - BBRS Mailing Requirements**

#### Section 25

*Summary:*

This section saves mailing and copying expenses by allowing the Board of Building Requirements and Standards (BBRS) to send electronic notice of amendments of the building code to the over 300 building inspectors and commissioners in the Commonwealth. BBRS is currently statutorily required to mail such amendments.

**Section 26 - MBTA Resiliency Fund**

Section 26

*Summary:*

This section would establish a "Weather Resiliency Fund" on the books of the Massachusetts Bay Transportation Authority (MBTA).

**Section 27 - Delay FAS 109 Deduction**

Section 27

*Summary:*

This section delays until tax year 2017 the start of the deduction allowed to certain publicly-traded companies to offset increases in their net deferred tax liability that resulted from the commonwealth's implementation of combined reporting.

**Section 28 - Pension Cost of Living Adjustment**

Section 28

*Summary:*

This annual section explains how the Commonwealth is fulfilling its various obligations to the state retirement system, including the obligation to fund a 3% cost-of-living adjustment on the first \$13,000 of a retiree's annual retirement allowance.

**Section 29 - ERIP Savings**

Section 29

*Summary:*

This section recognizes the savings that are expected to result from the early retirement incentive program (ERIP). It authorizes the secretary of administration and finance to reduce allotments by \$325.1 M, the expected amount of gross savings from implementing that program.

**Section 30 - Suspension of Tourism Formula**

Section 30

*Summary:*

This section suspends for fiscal year 2016 the so-called "tourism formula," which statutorily governs the collection and distribution of moneys deposited into the Tourism Fund.

**Section 31 - Treatment of Capital Gains in FY16**

Section 31

*Summary:*

This section, which duplicates a section included in the fiscal year gap-closing legislation sponsored and signed by Governor Baker, allows all capital gains tax collections to be credited to the General Fund in fiscal year 2016.

**Section 32 - FEMA Reimbursements**

Section 32

*Summary:*

This section allows federal reimbursements of up to \$17 million stemming from the severe winter storms in January and February of 2015 to be transferred to the Massachusetts Transportation Trust Fund to defray snow and ice expenses during fiscal year 2016.

**Section 33 - Special Education Inflation Rate Freeze**

Section 33

*Summary:*

This section specifies that the state will pay private special education providers the same price that the state paid last fiscal year, except for those programs that qualify for "extraordinary relief" under Operational Service Division regulations.

**Section 34 - Commonwealth Care Trust Fund Transfer**

## Section 34

*Summary:*

This section would require the Comptroller to transfer \$110,000,000 from the Commonwealth Care Trust Fund to the General Fund.

**Section 35 - MassDOT Transferability**

## Section 35

*Summary:*

This section would authorize MassDOT to transfer money among its appropriations.

**Section 36 - Regional Transit Authority MOUs**

## Section 36

*Summary:*

This section would require, as a condition of additional funding, regional transit authorities to enter into new memoranda of understanding with MassDOT. The new memoranda would include performance-based metrics, a service analysis, additional reporting and auditing requirements.

**Section 37 - Transfer Administered Funds to General Fund**

## Section 37

*Summary:*

This section requires the Massachusetts Housing Finance Agency to transfer \$6.5 M to the General Fund. That sum represents loan proceeds from two programs administered by the agency on behalf of the Commonwealth: Title V (septic), and lead paint abatement.

**Section 38 - Inspector General's Health Care Audits**

## Section 38

*Summary:*

This section authorizes the Inspector General's Office to conduct audits of the Health Safety Net and the Medicaid program, at a cost of \$1 M for fiscal year 2016. As in past years, this cost will be borne by the Health Safety Net Trust Fund.

**Section 39 - MassHealth Dental Coverage**

## Section 39

*Summary:*

This section proposes to allow MassHealth to provide the same level of dental benefits that it is offering in fiscal year 2015.

**Section 40 - Nursing and Resident Care Facility Base Year**

## Section 40

*Summary:*

This section establishes 2007, or any subsequent year the secretary may choose, as the base year for nursing home rates in the Medicaid program in fiscal year 2016. This is the same base year used in fiscal year 2015.

**Section 41 - Nursing Facility Assessment**

Section 41

*Summary:*

This establishes that the nursing home user fee will deliver \$220 million in fiscal year 2016, which is the same amount as fiscal year 2015.

**Section 42 - Initial Gross Payments to Qualifying Acute Care Hospitals**

Section 42

*Summary:*

This annual section requires the comptroller to transfer sufficient money from the General Fund to the Health Safety Net Trust Fund to make the required initial gross payment to qualifying hospitals. It requires the Health Safety Net Trust Fund to repay the General Fund before the end of fiscal year 2016.

**Section 43 - MassHealth Transferability**

Section 43

*Summary:*

This section authorizes the secretary of health and human services, with the approval of the secretary of administration and finance, to transfer any surpluses in MassHealth line items to other MassHealth line items that may be deficient during fiscal year 2016.

**Section 44 - Transfers Between Health Funds**

Section 44

*Summary:*

This section authorizes the secretary for administration and finance to transfer from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund up to \$30 million, and throughout the fiscal year, to evaluate the revenue needs of the Health Safety Net Trust Fund and the Commonwealth Care Trust Fund and to make additional transfers between those two funds. This section also authorizes the use of other federally permissible sources of payment to fund up to \$70 million of additional payments for uncompensated care beyond the \$30 million authorization specified in the section.

**Section 45 - MassHealth Chiropractor Services Coverage**

Section 45

*Summary:*

This section permits MassHealth to adjust the level of chiropractic benefits it offers in fiscal year 2016 from the 2002 levels MassHealth is required to provide under statute.

**Section 46 - Skilled Nursing Facility User Fee Waiver**

Section 46

*Summary:*

This section requires MassHealth to propose a waiver program for the skilled nursing facility user fee in a manner that will automatically qualify for federal approval.

**Section 47 - Effective Date**

Section 47

*Summary:*

This annual section provides that the budget shall take effect on July 1, 2015.



