

**Home Care Alliance of MA Testimony**  
**Joint Committee on Public Health**  
**06/23/2025**  
**9:00am State House Room B-1**  
**Re: H.2408/S.1633 Hearing**

My name is Jake Krilovich and I'm the Executive Director for the Home Care Alliance of Massachusetts (HCA). I want to thank you all for allowing me the opportunity to submit testimony on H.2408/S.1633, *An Act relative to staffing at home health and hospice agencies*, which would give the Department of Public Health (DPH) the authority to broaden current regulation and include home health and hospice to establish caps on temporary nurse staffing rates. I would like to thank and express our appreciation for Senator John Velis and Representative Paul Donato for their leadership on this key issue.

In recent years, we have seen a steady uptick of temporary nurse staffing (TNS) agencies becoming increasingly active in the home health and hospice care delivery arena across Massachusetts. Historically, home health and hospice providers (providers) have utilized TNS's on an emergency basis. But more recently, due to workforce challenges, providers have faced an influx of interest by TNS' and in the home-based care space by these TNS agencies. Because these entities demand contracts that far exceed what is currently reimbursed to home health and hospice agencies, they pose a threat to providers' ability to recruit and retain its workforce – as they are often able to offer higher wages than home health and hospice agencies. Some provider agencies have reported that some TNS agencies are demanding contract rates that are 1.5x what is reimbursed to providers by MassHealth.

- TNS Average Rate Demand: \$90-\$100
- Average Reimbursement Rate: \$70-\$80

These contracted rates are untenable for home health providers and threatens access to care. If providers are unable to match the wages offered by TNS agencies as a result of what amounts to contracting exploitation, we will continue to see the workforce migrate into these temporary positions. This is not what is best for our health care workforce or – most importantly – our patients. Providers are left with two choices – enter into costly contracts with TNS entities, or serve less patients altogether.

Ultimately, this crisis undermines consumers' access to essential, life-saving care at home, as providers are unable to meet critical staffing needs. In addition, TNS agencies are not held to nor hold their workers to the same standards that providers are required to adhere to. Such as training requirements. Training and professional development within provider home health and hospice agencies is critical to improving outcomes for patients – and strengthening these clinicians skillsets. And the lack of regulatory oversight has created an uneven playing field, forcing providers to compete unfairly for a limited workforce.

The solution is simple. Currently, Section 72Y of Chapter 111 of the Massachusetts General Law (MGL) gives the DPH authority to set caps on TNS rates for hospitals and nursing homes.

However – the underlying MGL did not include home health and hospice. This bill simply gives DPH the authority to include home health and hospice in the regulation.

We are not asking for special treatment, we are just requesting to be included with our colleagues from other healthcare sectors within the law and regulations.

The state has already shown that this is an issue that they understand by previously giving DPH the authority to set rate caps for hospitals and nursing homes. In March of 2023, Attorney General Andrea Campbell issued an [advisory](#) to remind temporary nursing agencies about the permissible rates that may be charged to long-term care facilities, signaling that the state is aware of the predatory actions by these TNS's. In her advisory to TNS's Campbell noted that "affordability continues to be a major challenge for Massachusetts residents and their loved ones seeking long-term care, which is why temporary nurse staffing agencies need to adhere to state regulations," It is imperative that home health and hospice agencies are protected the same way that nursing homes and hospitals are protected from predatory TNS practices.

Please support and advance H.2408/S.1633, An Act Relative to Staffing at Home Health and Hospice Agencies favorably.