

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JUNE 10, 2021

[51]

JOURNAL OF THE SENATE

Thursday, June 10, 2021.

Met at twenty-two minutes past eleven o'clock A.M. (Ms. Creem in the Chair).

The Chair (Ms. Creem), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from His Excellency the Governor, Charles D. Baker, relative to the appointments of Mr. Jorge H. Quiroga and Mr. Alberto Vasallo, III (under Section 93(a) of Chapter 358 of the Acts of 2020) to the Special Commission to Study Journalism in Underserved Communities in the Commonwealth (received June 10, 2021); and

Special Commission to Study Journalism in Underserved Communities.

Communication from the Massachusetts State House Press Association (pursuant to Joint Rule 32) submitting an updated list of the legislative reporters who constitute the Massachusetts State House Press Association and the State House Broadcasters Association (received June 8, 2021).

SHPA,-- updated membership. SD2649

Report.

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspection of MCI Framingham (received June 9, 2021),-- was placed on file.

DPH,-- facility inspection. SD2647

Reports of Committees.

By Mr. Rodrigues, for the committee on Ways and Means, on Senate No. 27, reported, in part, a Bill relative to extending certain COVID-19 measures adopted during the state of emergency (Senate, No. 2467) (also based on Senate, No. 2452),-- was read and placed in the Orders of the Day, pursuant to an order previously adopted.

COVID-19 measures,-- extension.

By Ms. Rausch, for the committee on Environment, Natural Resources and Agriculture, on Senate, No. 36 and House, No. 864, a Bill to upgrade hen welfare and establish uniform cage-free standards (Senate, No. 2470);

Cage-free,-- uniform standards.

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3861) of Alice Hanlon Peisch and Rebecca L. Rausch (by vote of the town) that the town of Wellesley be authorized to grant certain licenses for the sale of alcoholic beverages and the sale of wines and malt beverages in said town;

Wellesley,-- liquor license.

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3859) of Natalie M. Blais and Adam G. Hinds (by vote of the town) relative to changing the board of selectmen of the town of Plainfield to a select board; and

Plainfield,-- select board.

UNCORRECTED PROOF.

Petition (accompanied by bill, House, No. 3860) of Dylan A. Fernandes and Julian Cyr (by vote of the town) relative to the select board of the town of West Tisbury;

West Tisbury,--
select board.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3858) of Marjorie C. Decker (with the approval of the city council) that the city of Cambridge be authorized to provide for electric vehicle charging stations in said city;

Cambridge,-- electric
vehicle charging
stations.

To the committee on Transportation.

Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 939) of James K. Hawkins, Tami L. Gouveia and Michelle M. DuBois for legislation to direct the Department of Environmental Protection to publish a toxic chemicals of concern consumer products list; and

DEP,-- toxic
chemicals list.

Of the petition (accompanied by bill, House, No. 941) of Steven S. Howitt and others relative to septic system inspections;

Septic systems,--
inspections.

And recommending that the same severally be referred to the committee on Consumer Protection and Professional Licensure.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3865) of Edward F. Coppinger and others relative to the educational needs of students whose education was negatively impacted by the COVID-19 emergency;

COVID-19,--
students education.

Under suspension of Joint Rule 12, to the committee on Education.

Petition (accompanied by bill, House, No. 3866) of Adam J. Scanlon relative to a DNA exception rule for victims of rape;

Rape victims,-- DNA
exception.

Under suspension of Joint Rule 12, to the committee on The Judiciary.

Petition (accompanied by bill, House, No. 3867) of Edward R. Philips and Paul R. Feeney relative to authorizing the conveyance of a conservation restriction on the land known as Inter Lochen Park in the town of Sharon;

Sharon,-- land.

Under suspension of Joint Rule 7B, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3868) of Diane Turco relative to aging nuclear power plants and high level nuclear waste dump sites;

Nuclear power
plants,-- dump sites.

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 3869) of Josh S. Cutler that the Governor issue an annual proclamation setting apart April twenty-fourth as Right Whale Day;

Right Whale Day.

Petition (accompanied by bill, House, No. 3870) of Maria Duaine Robinson and Jack Patrick Lewis that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the city of Framingham to the Claremont Realty Trust;

Framingham,-- land.

Severally, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Brady) “congratulating Peter Hunt on his elevation to the rank of Eagle Scout”;

Peter Hunt.

Resolutions (filed by Ms. Lovely) “congratulating John C. Hodges on his elevation to the rank of Eagle Scout”;

John C. Hodges.

Resolutions (filed by Ms. Lovely) “congratulating Brandon C. Read on his elevation to the rank of Eagle Scout”; and

Brandon C. Read.

Resolutions (filed by Ms. Lovely) “congratulating Saint John the Baptist Parish on the occasion of its one-hundredth fiftieth anniversary.”

Saint John the Baptist Parish.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of Notice Section of the Calendar and considered as follows:

The Senate Bill validating the actions taken at the 2020 biennial state election held in the city known as the town of Randolph (Senate, No. 493) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Randolph,-- biennial election.

Sent to the House for concurrence.

The House Bill authorizing the town of Berlin to continue the employment of Paul Kenneth Clark (printed in House, No. 92),-- **was read a third time and passed to be engrossed, in concurrence.**

Berlin,-- Paul Kenneth Clark.

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill relative to extending certain COVID-19 measures adopted during the state of emergency (Senate, No. 2467),-- was Read a second time.

COVID-19 measures,-- extension. 3-R1

After remarks, and pending the main question on ordering the bill to a third reading, Messrs. Brady and Collins, Ms. Moran, Messrs. Timilty and Tarr moved that the bill be amended by inserting after section 1 the following section:-

“SECTION 1A. Paragraph (a) of section 14 of said chapter 53, as amended by section 68 of chapter 227 of the acts of 2020, is hereby further amended by inserting after the word “emergency” the following words:- or during a period ending on December 15, 2021, whichever period ends later”.

After remarks, the amendment was adopted.

Ms. Rausch, Mr. Eldridge, Ms. Jehlen and Ms. Chang-Diaz moved that the bill be amended in section 6 by adding after the word “later” the following words:- ; and further amended by striking out the word “representative” each time it appears; and further amended by striking out the words “town meeting member” each time they appear and inserting in place thereof the following words:- town meeting member or person registered to vote in the town; and further amended by striking out the words “town meeting members” each time they appear and inserting in place thereof the following words:- town meeting members or persons registered to vote in the town.

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The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in line 89 after the words “45 days” the following words:- “or as soon as practicable”.

6

After remarks, the amendment was *rejected*.

Messrs. Tarr and Collins moved that the bill be amended by inserting in line 94 after the words “45 days” the following words:- “, or as soon as practicable”. 7

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting in line 48 after the word “Prevention” the following words:- "or December 15, 2021, whichever is earlier"; and by inserting in line 266 after the word "prevention" the following words:- "or December 15, 2021, whichever is earlier". 8

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting after section _ the following:- 9

“SECTION_ . Section 109A of chapter 54 of the General Laws shall apply to ballots cast in any regular or special municipal or state preliminary, primary, or general election held on or before December 15, 2021”.

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the bill be amended by inserting after the word "issuance" in line 147 the following words:- "; provided, that the local licensing authority shall consider the proximity of the licensed premises to residences and any complaints of noise by residents in making its determination about whether to grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service". 10

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended by inserting after section 22 the following 2 sections:- 11-R1

“SECTION 22A. Notwithstanding section 24 B1/2 of chapter 112 of the General Laws or any other general or special laws to the contrary, collaborative drug therapy management may be allowed in ambulatory care clinics licensed pursuant to section 51 of chapter 111 of the General Laws if: (i) there is on-site or off-site supervision by the attending physician and a collaborating pharmacist; and (ii) it is approved by the ambulatory care clinic's medical staff executive committee or designee or medical director or designee.

SECTION 22B. SECTION 22A is hereby repealed.”;

And by inserting after section 33 the following section:-

“SECTION 33A. SECTION 22B shall take effect on April 1, 2022. ”.

After remarks, the amendment was adopted.

Messrs. Keenan and O'Connor moved that the bill be amended by inserting after section ___ the following section:- 14

"SECTION ___. Section 25B of chapter 111 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the definition of ‘New technology’, and inserting in place thereof the following definition:-

‘New technology’, equipment such as magnetic resonance imagers and linear accelerators, as may be defined by the department, or a service, as may be defined by the department, which for reasons of quality, access or cost is determined to be new technology by the department; provided, however, that computerized tomography and any equipment that is widely utilized as standard diagnostic, treatment or therapeutic technology shall not be considered new technology.”.

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended by striking, in line 171, the word "may" and inserting in place thereof the following word:- "shall"; and by striking lines 191-192 and inserting in place thereof the following words:- "a member in any meeting of the public body and a quorum of the public body provided that the member has given at least 24 hours of notice to the chair of the body that the member cannot attend the meeting due to an 16

illness, physical incapacity or unforeseen circumstance."

After remarks, the amendment was *rejected*.

Messrs. Lesser and O'Connor moved that the bill be amended by adding the following sections:- 19

"SECTION XX. Subsection (a) of section 8 of chapter 92 of the acts of 2020 is hereby amended by inserting after the word "representative" the following words:- 'or open'.

SECTION XX. Section 8 of said chapter 92 is hereby further amended by inserting after the words 'roll call' each time it appears with the following words:- "or other".

SECTION XX. Subsection (f), (g) and (h) of section 8 of said chapter 92 is hereby further amended by striking the following word:- 'representative'.

SECTION XX. Subsection (c) of section 8 of said chapter 92 is hereby further amended by striking out the words 'June 30, 2020' and inserting in place thereof the following words:- 'December 15, 2021'.

The amendment was *rejected*.

Ms. Chang-Diaz, Ms. Rausch, Mr. Collins, Ms. Comerford, Messrs. Timilty, Montigny and O'Connor moved that the bill be amended by inserting after section 27 the following section:- 20

"SECTION ___. Notwithstanding any general or special law to the contrary, not later than July 30, 2021, the secretary of health and human services shall, in consultation with the office of health equity and the department of public health, establish a set of quantitative goals and benchmarks to define and achieve equitable vaccine penetration in communities disproportionately impacted by the 2019 novel coronavirus; and provided further, that the 2019 novel coronavirus infection and hospitalization rates of different racial and ethnic groups shall be considered in establishing the benchmarks."

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by adding the following section:- 23

"SECTION __. Notwithstanding the provisions of section 65 of chapter 149 of the Massachusetts General Laws, during calendar year 2021 evening hours for a minor under 16 shall be extended to nine o'clock in the evening from June fifteenth, or the minor's last day of school, whichever is later, through Labor Day."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking out in line 89 the figure "45" and inserting in place thereof the following figure:- "30"; and by inserting in line 91 after the word "pandemic" the following words:- " , provided that said public health emergency has been in place for at least 90 days". 25

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by striking out in line 94 the figure "45" and inserting in place thereof the following figure:- "30"; and by inserting in line 96 after the word "pandemic" the following words:- " , provided that said public health emergency has been in place for at least 90 days". 26

The amendment was *rejected*.

Ms. Moran moved that the bill be amended in section 19, by adding the following subsection:- 30

"(x) Notwithstanding any general or special law to the contrary, the governor shall provide a description of executive action, including, but not limited to, public health orders and administrative agency policy enacted pursuant to federal waivers or federal legislation, related to a public health emergency declared by the governor pursuant to section 2A of chapter 17 of the General Laws to the clerks of the house of representatives and the senate and the house and senate committees on ways and means prior to the termination of such public health emergency."

The amendment was *rejected*.

Mr. Hinds moved that the bill be amended by adding at the end thereof the following section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, certain regulatory approvals are hereby extended as provided in this section.

(a) For purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Approval’, except as otherwise provided in subsection (b), any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit or other approval or determination of rights from any municipal, regional or state governmental entity, including any agency, department, commission or other instrumentality thereof, concerning the use or development of real property, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits or other approvals or determinations of rights issued or made under chapter 21, chapter 21A except section 16 of said chapter 21A, chapter 21D, sections 61 to 62I, inclusive, of chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81, chapters 91, 131, 131A, 143, sections 4 and 5 of chapter 249 or chapter 258 of the General Laws or chapter 665 of the acts of 1956 or any local by-law or ordinance.

‘Development’, division of a parcel of land into 2 or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of a building or other structure or facility or any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

‘Tolling period’, the period from March 10, 2020 to June 15, 2021, inclusive.

(b) (1) Notwithstanding any general or special law to the contrary, an approval in effect or existence during the tolling period shall be extended for a period of 2 years in addition to the lawful term of the approval.

(2) Nothing in this section shall extend or purport to extend: (i) a permit or approval issued by the federal government or an agency or instrumentality thereof or a permit or approval of which the duration of effect or the date or terms of its expiration are specified or determined under a law or regulation of the federal government or an agency or instrumentality thereof; (ii) a permit, license, privilege or approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws; (iii) an approval, determination, exemption, certification, statement of qualification or any other administrative action by the department of energy resources under 225 CMR 20.00, subsection (c) of section 17 of chapter 25A of the General Laws or corresponding regulations at 225 CMR 21.00; or (iv) any agreement entered into by the Massachusetts Department of Transportation or the Massachusetts Bay Transportation Authority or any permit, license or approval issued by the department or authority relating to the sale, acquisition or lease or development of real property owned in whole or in part by the department or authority or the sale, acquisition, lease or development of any interest therein related to such real property pursuant to chapter 6C or chapter 161A of the General Laws.

(3) Nothing in this section shall affect the ability of a municipal, regional or state governmental entity, including an agency, department, commission or other instrumentality thereof, to revoke or modify a specific permit or approval, or extension of a specific permit or approval under this section, when that specific permit or approval or the law or regulation under which the permit or approval was issued contains language authorizing the modification or revocation of the permit or approval.

(4) If an approval tolled under this section is based upon the connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of

sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those permit holders who have not received approval of a hookup prior to the effective date of this section. Priority regarding the distribution of further gallonage to a permit holder who has received the extension of an approval under this section shall be allocated in order of the granting of the original approval of the connection.

(5) If an owner or petitioner sells or otherwise transfers a property or project in order for an approval to receive an extension all commitments made by the original owner or petitioner under the terms of the permit must be assigned to and assumed by the new owner or petitioner. If the new owner or petitioner does not meet or abide by such commitments, then the approval shall not be extended under this section.

(6) Nothing in this section shall be construed or implemented in such a way as to modify a requirement of law that is necessary to retain federal delegation to or assumption by the commonwealth of the authority to implement a federal law or program..”

The amendment was *rejected*.

Mr. Collins moved that the bill be amended in section 21, in subsection (c), by inserting after the words "shall provide notice of the amended license" the following words:- "including plans for noise mitigation, overcrowding prevention, and public health and safety". 36

The amendment was *rejected*.

Ms. Moran moved that the bill be amended in section 21 by striking out the words “April 1, 2022” and inserting in place thereof the following words:- “November 1, 2022”. 37

After remarks, the amendment was *rejected*.

Mr. Collins moved that the bill be amended in section 1 by inserting at the end thereof the following;- “provided that no alcohol to-go shall be delivered to municipal or state parks and beaches”. 38

The amendment was *rejected*.

Messrs. Crighton and O'Connor moved that the bill be amended by inserting after section __ the following section:- 40

“SECTION __. Section 2 of Chapter 65 of the acts of 2020 is hereby amended by striking out the words ‘the termination of the COVID-19 emergency due to the outbreak of the 2019 novel coronavirus also known as COVID-19’ and inserting in place thereof the following words:- ‘April 1, 2022’.”

The amendment was *rejected*.

Mr. Lesser, Ms. Moran, Ms. Comerford, Ms. Rausch and Mr. O'Connor moved that the bill be amended by adding the following section:- 42

“SECTION XX. Subsection (b) of section 98 of chapter 358 of the acts of 2020 is hereby amended by inserting after the word ‘until’ the following words:- ‘90 days after’.

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the bill be amended by inserting after section __ the following section:- 44

“SECTION __. Notwithstanding any general or special law to the contrary not later than 30 days following the passage of this act, the secretary of labor and workforce development shall devise a plan to incent those displaced from the workforce due to the COVID-19 pandemic to re-enter the workforce. Said plan, together with any legislative recommendations, shall be filed with the clerks of the house and senate and the joint committee on labor and workforce development.”

After remarks, the amendment was *rejected*.

Ms. DiZoglio moved that the bill be amended in section 1, line 3, and in section 7, 1

lines 21 and 22, by striking out the words “March 1, 2022” each time they appear and inserting in place thereof the following words:- “June 15, 2023”.

The amendment was *rejected*.

Ms. DiZoglio moved that the bill be amended by inserting after section 35 the following section:-

2

“SECTION XX. Section 98 of chapter 358 of the acts of 2020 is hereby amended by striking out the words ‘the termination of the COVID-19 emergency’ and inserting in place thereof the following words:- June 15, 2023.”

The amendment was *rejected*.

Messrs. Tarr, Collins and Crighton moved that the bill be amended by inserting after section __ the following section:-

5-R2

“SECTION __. Section 2 of Chapter 65 of the acts of 2020 is hereby amended by striking out the words “until the termination of the COVID-19 emergency due to the outbreak of the 2019 novel coronavirus also known as COVID-19” and inserting in place thereof the following words:- ‘December 15, 2021’.

After remarks, the amendment was adopted.

Ms. Jehlen, Ms. Rausch, Messrs. Collins and O'Connor moved that the bill be amended by inserting after section 30 the following section:-

22-R1

"SECTION 30A. Notwithstanding section 11 of chapter 19D of the General Laws or any other general or special law to the contrary, until the termination of the public health emergency declared by the governor on May 28, 2021 or until December 15, 2021, whichever is sooner: (i) a nurse employed by an assisted living residence that is certified by the executive office of elder affairs may provide skilled nursing care in accordance with valid medical orders if the nurse holds a valid license to provide such care; (ii) an assisted living residence may retain residents who require skilled care for more than 90 consecutive days; (iii) the staffing requirements in 651 CMR 12.06(5)(b) shall not apply; provided, however, that an assisted living residence ensures that it has sufficient staffing at all times to meet the needs of the residents, as set out in guidance issued by the executive office of elder affairs on April 2, 2020; and (iv) the training requirements set out in 651 CMR 12.07 shall not apply; provided, however, that an assisted living residence shall procure staff with adequate experience and provide on-the-job training to safely perform their duties, as set out in said guidance.”.

After remarks, the amendment was adopted.

Messrs. Lesser and Crighton moved that the bill be amended by inserting after section 39 the following section:-

27-R1

“SECTION 30A. (a) For the purposes of this section, the following terms shall have the following meanings unless context requires otherwise:

‘License’, a license, registration, certificate or authorization.

‘In good standing’ a license that is current; provided, however, that ‘in good standing’ may include a license that is subject to probation or non-disciplinary conditions but shall not include a license that is revoked, cancelled, surrendered, suspended or subject to disciplinary restrictions.

‘Health care providers’, registered nurses, licensed practical nurses, advanced practice registered nurses, dentists, dental hygienists, dental assistants, pharmacists, pharmacy technicians, nursing home administrators, physician assistants, respiratory therapists, perfusionists, genetic counselors, community health workers, emergency medical technicians, social workers, psychologists, marriage and family therapists, licensed mental health counselors, rehabilitation counselors, applied behavior analysts, assistant behavior analysts, licensed school psychologists, licensed alcohol and drug counselors, radiologic technologists, radiologist assistants and nuclear medicine advanced associates.

(b) Notwithstanding any general or special law to the contrary, health care providers who are licensed in another state who present to the corresponding licensing authority in the commonwealth verification that such license is in good standing in the state where it was issued shall be issued a corresponding license in the commonwealth that shall remain valid until the termination of the public health emergency declared by the governor on May 28, 2021 or April 1, 2022, whichever is later. All health care providers licensed under this subsection may provide services within the scope of practice authorized by the license in such profession, in-person in the commonwealth and across state lines into the commonwealth using telemedicine where appropriate.

(c) Notwithstanding any general or special law to the contrary, physicians who are licensed in another state who present to the board of registration in medicine a state license verification form demonstrating to the satisfaction of the board that they are in good standing in the other state shall be issued an emergency license in the commonwealth that shall remain valid until the termination of the public health emergency declared by the governor on May 28, 2021 or April 1, 2022, whichever is later. All physicians licensed under this subsection may provide services in-person in the commonwealth and across state lines into the commonwealth using telemedicine where appropriate.”

The amendment was adopted.

Mr. Pacheco moved that the bill be amended by inseting after section ___ the following section:

29

“SECTION XX. Notwithstanding the provisions of section 39 of chapter 207 of the General Laws regulating the number of justices of the peace that may be designated in a city or town to solemnize marriages or any other general or special law to the contrary, a person who failed to take the oath required for the renewal of their justice of the peace commission during the state of emergency declared by the governor on March 10, 2020 shall not have their justice of the peace commission revoked, or, if their commission was already revoked, shall have such commission reinstated, if the person: (i) submitted the required documents, paid all applicable fees and otherwise complied with all other requirements for the renewal of their justice of the peace commission; and (ii) takes the required oath within 60 days of the effective date of this act.”

The amendment was rejected.

Ms. Chandler moved that the bill be amended by inserting after section 23 the following 2 sections:-

17-R1

“SECTION 23A. Notwithstanding section 9E of chapter 112 of the General Laws or any other general or special law to the contrary, employers of physician assistants in good standing may designate a new supervising physician for any physician assistant as necessary to maximize health care provider availability and to respond to increased healthcare needs during the public health emergency declared by the governor on May 28, 2021. A newly designated supervising physician and re-assigned physician assistant shall not be required to prepare and sign prescriptive practice or scope of practice guidelines for any reassignment; provided, however, that the employer of a physician assistant shall maintain a record of: (i) the name and scope of practice of the newly designated supervising physician; (ii) the newly designated supervising physician’s ascent to the supervisory role; and (iii) the dates during which the designation applies. The prescriptive practice and scope of practice of a re-assigned physician assistant shall be within the: (i) competence of the physician assistant, as determined by the newly designated supervising physician; and (ii) scope of services for which the newly designated supervising physician can provide adequate supervision to ensure that accepted standards of medical practice are followed. For purposes of this section, “in good standing” shall include a license that is subject to probation or non-disciplinary conditions, but shall not include a license that is revoked, cancelled, surrendered, suspended or subject to disciplinary restrictions.

SECTION 23B. Section 23A is hereby repealed.”; and

By inserting after section 33 the following section:-

“SECTION 33A. Section 23B shall take effect on April 1, 2022.”

After remarks, the amendment was adopted.

24-R2

Ms. Jehlen, Ms. Moran, Ms. Rausch, Messrs. Eldridge, Lewis, Feeney and Collins, Ms. Chang-Diaz, Ms. DiZoglio, Ms. Comerford, Messrs. Pacheco, Kennedy, Moore, Lesser, Gomez, Timilty, Hinds, Keenan, Crighton, Brady, O'Connor, Boncore and Montigny moved that the bill be amended by inserting after section 27 the following section:-

“SECTION 27A. Notwithstanding any general or special law to the contrary, the department of unemployment assistance shall continue to enforce the provisions of department’s policy memorandum UIPP 2020.12 issued on October 8, 2020 as it applies to caregiver responsibilities and the adjudication of such claims until the expiration of section 4102(b) of the Families First Coronavirus Response Act. Not less than 30 days prior to the discontinuation of any guidance or policy issued by the department that affects claimant eligibility or changes benefits eligibility, a claimant shall be notified in their preferred language and via their preferred method of communication of the discontinuation.”

The amendment was adopted.

Mr. Rodrigues moved that the bill be amended in section 12, by striking out, in line 46, the words “10 days after”;

34-R1

In section 19, by striking out, in line 90, the words “any public health emergency declared by the governor” and inserting in place thereof the following words:- “the public health emergency declared by the governor on May 28, 2021”;

In said section 19, by striking out, in line 96, the words “COVID-19 pandemic” and inserting in place thereof the following words:- “public health emergency declared by the governor on May 28, 2021”;

In section 22, by striking out, in line 171, the word “may” and inserting in place thereof the following words:- “shall not be required to”;

In section 31, by striking out, in line 264, the words “10 days following” and inserting in place thereof the following word:- “upon”;

By inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend certain COVID-19 measures adopted during the state of emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.”

The amendment was adopted.

The bill, (Senate No. 2467, amended), was then ordered to a third reading, read a third time and passed to be engrossed [For text of Senate Bill , printed as amended, see Senate, No. 2472].

Sent to the House for concurrence.

Moment of Silence.

The Chair (Ms. Creem), members, guests and staff stood in a moment of silence and reflection to the memory of Officer Enmanuel “Manny” Familia.

Moment of silence.

Order Adopted.

On motion of Mr. Brownsberger,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of

Time of meeting.

a calendar.

Adjournment in Memory of Enmanuel “Manny” Familia.

The Senator from Worcester, Mr. Moore, the Senator from Worcester, Ms. Chandler, and the Senator from Norfolk, Bristol and Plymouth, Mr. Timilty, moved that when the Senate adjourns today it do so in memory of Officer Enmanuel “Manny” Familia.

Officer Familia may have only been with the Worcester Police Department for 5 years but his impact on that department and the City of Worcester will last forever. Officer Familia was a member of the Doherty Memorial High School class of 2001, attended Quinsigamond Community College and was pursuing a bachelor’s degree in criminal justice from Anna Maria College.

Officer Familia was both respected and well-liked by his fellow officers. He was a member of the Tactical Patrol Force, the Crisis Intervention Team, a Crisis Negotiator, and a Department Recruitment Officer. Officer Familia was training to become a member of the SWAT Team. Prior to becoming a Worcester Police officer, “Manny” as he is known to friends and family, worked as an officer for the Oakham Police Department, Quinsigamond Community College Police Department, and the Clark University Police Department. He also had been a Supervising Officer for the Department of Youth Services, Youth Apprehension Division.

Officer Enmanuel Familia made the ultimate sacrifice when he lost his life while trying to save a drowning teenager last week at Green Hill Pond in Worcester. Tragically neither Officer Familia nor the young victim survived the incident. Officer Familia was a credit to the uniform he wore. He honored his oath to serve and protect until his last breath. A dedicated family man, he leaves behind a wife and two children, his daughter and a son. He will be deeply missed by all who had the pleasure of knowing him.

Accordingly, as a mark of respect in memory of Officer Enmanuel “Manny” Familia, at five minutes before two o’clock P.M., on motion of Mr. Keenan, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.