

Publications

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Massachusetts Home Care Licensing Law Takes Effect This Fall: What Providers and Investors Need to Know

Key Takeaways

- Massachusetts has enacted its first statewide licensing and oversight framework for home care agencies. Effective Nov. 4, 2026, *An Act to Improve Massachusetts Home Care* establishes a phased licensing process, with regulations governing temporary licensure due by May 3, 2027, and permanent licensing regulations due by Nov. 4, 2027. The law reaches entities that provide compensated home care services in individuals' residences and certain entities that procure, offer, refer or provide home care services through matching arrangements.
- The Act directs the Massachusetts Executive Office of Health and Human Services (EOHHS) to establish licensing and conduct requirements addressing worker screening and training, consumer contracts, insurance, payroll practices, quality, workplace safety and other operational requirements.

Why It Matters

- The law's broad definition of a "home care agency" may extend licensing requirements beyond traditional providers to certain referral, registry and matching arrangements. New ownership disclosure, suitability review and change-of-ownership requirements also introduce additional considerations for investors and businesses pursuing acquisitions or restructurings involving Massachusetts home care agencies.

Next Steps

- Providers who qualify as a "home care agency" under the new law should monitor forthcoming EOHHS regulations establishing the temporary and permanent licensing requirements, including regulations due by **May 3, 2027**, and **Nov. 4, 2027**.

Massachusetts home care providers, investors and other industry stakeholders should begin preparing for a significant regulatory change as *An Act to Improve Massachusetts Home Care*, Chapter 180 of the Acts of 2026, approaches its Nov. 4, 2026 effective date. The Act creates a phased process under which EOHHS will implement Massachusetts' first statewide licensing framework for home care agencies.

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- Licensure, Enrollment & Certification
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The new framework applies to “home care services,” which the Act defines as supportive services provided in an individual’s residence to enable the individual to remain there safely and comfortably. The definition includes assistance with eating, toileting, dressing, bathing, transferring, ambulation and other activities of daily living, as well as housekeeping, personal laundry and companionship. Licensed home health and hospice services are excluded from the new framework.

Which Massachusetts Home Care Agencies Are Subject to the New Licensing Framework?

The term “home care agency” is broad and includes any business, including a sole proprietorship, nonprofit organization or other entity, that:

- Provides home care services to consumers in their residences for compensation;
- Represents itself as a home care agency by name, advertising or communications to the public, or uses the term “home care agency” or “home care” in its name; or
- Procures, offers, refers, provides or attempts to provide home care services by matching individuals seeking home care services with entities that provide them.

The Act excludes government-operated entities providing home care services, businesses limited to house-cleaning services, designated Aging Services Access Points (ASAPs), licensed hospice programs and licensed home health agencies. The Act also directs EOHHS to avoid duplicative requirements, including duplication of home health agency licensure and ASAP provider monitoring. The Act is not limited to agencies that directly employ home care workers. It also applies to agencies that contract with entities employing those workers and may also reach certain referral, registry and matching arrangements.

Licensing Timeline and Requirements

By **May 3, 2027**, EOHHS must promulgate regulations for temporary licensure and begin issuing temporary home care agency licenses. Applicants currently contracted with an ASAP or MassHealth must receive a temporary license upon verification of that relationship. Temporary licenses will remain valid until the mandatory licensing date that EOHHS establishes.

By **Nov. 4, 2027**, EOHHS must adopt regulations governing the licensing and conduct of home care agencies. EOHHS then must establish a date, no later than one year after those regulations are adopted, by which covered entities must be licensed.

The Act identifies the principal areas EOHHS must address through regulation, including worker background checks and training; consumer-specific service plans and contracts; insurance and payroll requirements; workplace safety and emergency preparedness; quality and reporting standards; consumer complaint processes; and equipment and supplies for home care workers. These requirements provide home care organizations with an early roadmap for evaluating their current operations while the licensing regulations are being developed, and potentially an opportunity for advocacy as the regulatory process begins.

Ownership, Suitability and Change-of-Ownership Review

As part of the licensing process, EOHHS must conduct a suitability review that includes screening against the Massachusetts debarment list and the federal Office of Inspector General’s List of Excluded Individuals/Entities. The Act also requires each individual with at least a 5% ownership stake in a home care agency to make certain disclosures and complete a background check. EOHHS must further determine whether the applicant has

the financial capacity to provide ongoing home care services while complying with labor and employment laws. EOHHS must also establish a change-of-ownership process. Although the Act does not define what will constitute a change of ownership, the process must include advance notice to home care consumers and workers and EOHHS review of whether the new owner can satisfy licensing requirements. These provisions may be particularly relevant to acquisitions, investments and restructurings involving Massachusetts home care businesses. Transaction parties should monitor forthcoming regulations addressing when change-of-ownership review will be triggered and what procedures will apply.

Looking Ahead: Preparing for the New Licensing Framework

Home care organizations should use the implementation period to determine whether their operations fall within the Act's definition of a home care agency and evaluate existing practices against the areas that EOHHS is required to regulate. Organizations should also identify owners that may be subject to the 5% disclosure requirements and consider the forthcoming change-of-ownership process when planning transactions. Providers, investors and other industry participants should continue to monitor EOHHS rulemaking as Massachusetts implements its first statewide licensing system for home care agencies.

Additionally, under Massachusetts' administrative rulemaking process, stakeholders generally will have an opportunity to submit comments on proposed EOHHS regulations before they are finalized. Home care organizations, investors and other industry participants should monitor forthcoming notices of proposed rulemaking and consider submitting written comments or participating in public hearings to help shape the licensing requirements and their implementation.

Should you have questions regarding the information discussed, please contact Stephen Angelette, Mary Canavan, Jean Mancheno, Simran Nijjar, a member of the Licensure, Enrollment & Certification team or your preferred Polsinelli attorney.