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Healthcare Alert

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Massachusetts proposes significant revisions to long-term care facility regulations

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DPH's proposed changes would strengthen oversight, expand suitability reviews, and impose new financial reporting and operational requirements.



What's the impact?

- The Massachusetts Department of Public Health published proposed regulations to align with statutory mandates impacting the regulation and oversight of long-term care facilities (LTCFs).
- If adopted, these amendments would result in heightened scrutiny of LTCF transfers of ownership, expanded suitability reviews of LTCF management companies, new financial reporting obligations, and other LTCF standards.
- DPH will hold a public hearing on the proposed regulations on February 13, 2026.

On January 16, 2026, the Massachusetts Department of Public Health (DPH or Department) proposed significant amendments to the regulations governing long-term care facilities (LTCFs). The proposed revisions affect two key regulatory frameworks: [the Standards for Long-Term Care](#)

[Facilities \(105 CMR 150.000\)](#) and the [Licensure Procedure and Suitability Requirements for Long-Term Care Facilities \(105 CMR 153.000\)](#).

These proposed regulations implement statutory requirements under [An Act to Improve Quality and Oversight of Long-Term Care](#) (the Act), enacted in September 2024, which directs DPH to strengthen oversight of LTCFs, broaden suitability reviews of LTCF applicants and licensees, require LTCFs to develop and submit outbreak response plans, mandate staff education on LGBTQI+/HIV-related and other non-discrimination protections, and promulgate regulations for the establishment of small house nursing homes.

Key proposals

TRANSFER OF FACILITY OPERATIONS—NOTICE TO STAFF AND LABOR ORGANIZATIONS

The proposed regulations reframe a transfer of ownership as a “transfer of facility operations” and define the submitter of a Notice of Intent to Acquire form (NOIA) that has an agreement with a current licensee to acquire the facility as a “potential transferee.” Under the proposed regulations, a potential transferee must, concurrently with its submission of the NOIA at least 90 days in advance of the proposed transfer of facility operations, provide notice to current facility staff and any labor organization representing facility staff regarding whether: (1) the potential transferee plans to retain facility staff; and (2) it intends to recognize and bargain with any labor organizations.

SUITABILITY REVIEWS AND RESPONSIBILITY OF MANAGEMENT COMPANIES

The proposed regulations also introduce suitability review requirements for management companies, defined as entities that provide management, administrative, and/or home office services to LTCFs. Before entering into a contract with a management company, an applicant, potential transferee, or licensee would have to notify the Department and receive a determination that the management company is suitable and responsible to manage the facility. The notification would include the proposed management company’s name, contact information, and any other information reasonably requested by the Department or required by Department guidelines.

If the Department determines that the management company is suitable and responsible, the parties must memorialize the engagement in a written contract and provide it to the Department within two business days of execution. Any subsequent changes or amendments to the contract, or to documentation related to the management company’s suitability, would have to be filed with the Department within 30 days of the execution of an amendment.

EXPANDED SUITABILITY CRITERIA

The proposed regulations expand the factors the Department may consider when evaluating suitability of a licensure applicant, potential transferee, or licensee. The expanded suitability criteria would also apply to management companies. If adopted, the factors for consideration would include the litigation history related to LTCF operations, including quality of care, resident or staff safety, employment and labor issues, fraud, unfair or deceptive business practices, and landlord-tenant matters, as well as the history of an applicant or potential transferee, including ownership, management companies used, and the involvement of private equity firms (if applicable), and the quality of long-term care provided, as measured by federal and state quality metrics.

ONGOING FINANCIAL REPORTING OBLIGATIONS

The proposed regulations establish ongoing reporting obligations for licensure applicants, potential transferees, and licensees. These parties would have to report any changes to their financial status, including bankruptcy filings, defaults on loans or leases, receiver appointments, or recorded liens, to DPH within two business days of such change, a significantly shorter timeframe than the standard 30-day window applicable to other updates.

OUTBREAK RESPONSE PLAN

DPH has proposed new regulations requiring all LTCFs to develop and implement, and submit to DPH for review, an outbreak response plan. The proposed regulations also set forth minimum requirements for outbreak response plans and require that LTCFs review and modify, as necessary, their plans annually and submit an updated plan to DPH within 30 days of making a material change.

ESTABLISHMENT OF SMALL HOUSE NURSING HOMES

The proposed regulations would establish standards for Small House Nursing Homes, a residential model of nursing home care designed to provide a more home-like environment for residents. Under the proposed standards, newly operational units would be limited to no more than 14 residents per unit.

STAFF MANDATORY TRAINING REQUIREMENTS

The proposed regulations set forth mandatory training requirements for LTCF staff in connection with the care of residents who identify as LGBTQI+ and residents living with HIV. Under the proposed regulations, LTCFs would need to ensure that all staff receive training every two years on the care of such residents and the prevention of discrimination based on sexual orientation, gender identity or expression, intersex status, and HIV status. Newly hired LTCF staff must

complete such training within one year of their date of hire unless they provide documentation demonstrating their completion of equivalent training within the past two years.

Going forward

The proposed regulations demonstrate the Department's continued efforts to expand its oversight of LTCFs and reflect the Department's increased focus on transactions and management arrangements in all facets of the healthcare industry. DPH has scheduled a public hearing on the proposed amendments for February 13, 2026, at 1:00 pm. Interested parties may also submit written comments for DPH's consideration.

Nixon Peabody will continue to monitor updates regarding these proposed LTCF regulations and other related industry developments. Nixon Peabody's attorneys' extensive [healthcare](#) and [transactional](#) experience can be leveraged to advise and guide LTCF clients through this new regulatory landscape.

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