

HOUSE No. 4393

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 15, 2024.

The committee on Children, Families and Persons with Disabilities, to whom were referred the petition (accompanied by bill, Senate, No. 96) of John F. Keenan, Sean Garballey, Angelo J. Puppolo, Jr., Michael O. Moore and other members of the General Court for legislation to update terminology and investigative practices related to the protection of persons with disabilities, the petition (accompanied by bill, House, No. 141) of Josh S. Cutler and others for legislation to protect individuals with disabilities in MassHealth day habilitation programs and the petition (accompanied by bill, House, No. 174) of Sean Garballey and others relative to updating terminology and investigative practices related to the protection of persons with disabilities, reports recommending that the accompanying bill (House, No. 4393) ought to pass.

For the committee,

JAY D. LIVINGSTONE.

HOUSE No. 4393

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act updating terminology and investigative practices related to the protection of persons with disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 4H of chapter 7 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 84, 87 and 88, each time they appear,
3 the words “disabled persons protection commission” and inserting in place thereof, in each
4 instance, the following words:-commission for the protection of persons with disabilities.

5 SECTION 2. Section 19 of chapter 19B is hereby amended by striking out, in lines 126,
6 139, 280 and 281, 305, 384, 390 and 391, each time they appear, and 394 and 395, the words
7 “disabled persons protection commission” and inserting in place thereof, in each instance, the
8 following words:- commission for the protection of persons with disabilities.

9 SECTION 3. Chapter 19C is hereby amended by striking out the title, as so appearing,
10 and inserting in place thereof the following title:- COMMISSION FOR THE PROTECTION OF
11 PERSONS WITH DISABILITIES.

12 SECTION 4. Said chapter 19C is hereby further amended by striking out section 1, and
13 inserting in place thereof the following section:-

14 Section 1. As used in this chapter, the following words shall have the following meanings
15 unless the context requires otherwise:-

16 “Abuse”, an act or omission of a caretaker that results in serious physical or serious
17 emotional injury to a person with a disability; provided, however, that no person shall be
18 considered to be abused for the sole reason that such person is being furnished or relies upon
19 treatment in accordance with the tenets and teachings of a church or religious denomination by a
20 duly accredited practitioner of the church or religious denomination. As used in this chapter, the
21 term abuse includes abuse per se.

22 “Abuse per se”, an act or omission of a caretaker that, based upon its circumstances, is
23 determined by the commission to be in and of itself abusive as published by regulation,
24 regardless of the manifestation of a serious physical or serious emotional injury to a person with
25 a disability, including an act or omission that constitutes or results in any of the following: (i)
26 Sexual abuse of the person with a disability; (ii) The withholding of adaptive aids used by the
27 person with a disability, provided that said withholding is unrelated to safety, care or treatment
28 of the person with a disability; (iii) A pattern of touching neither required nor appropriate for
29 tending to the safety and welfare of a person with a disability; or (iv) The intentional, wanton, or
30 reckless application of a physical force on a person with a disability in a manner that inflicts
31 physical pain or serious emotional injury as determined by an evaluation of the totality of the
32 circumstances.

33 “Caretaker”, a parent, guardian or other person or agency responsible for the health or
34 welfare of a person with a disability, whether in the same home as the person with a disability,
35 the home of a relative, a foster home or any other location where the caretaker renders assistance.

36 “Commission”, the commission for the protection of persons with disabilities established
37 under section 2.

38 “Mandated reporter”, any physician, medical intern, hospital personnel engaged in the
39 examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse,
40 chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator,
41 guidance or family counselor, day care worker, probation officer, social worker, foster parent,
42 police officer, firefighter, paramedic, emergency medical technician, animal control officer, or
43 person employed to provide assistance with a daily living need for a person with a disability
44 who, in their professional capacity, shall have reasonable cause to believe that a person with a
45 disability is suffering from a reportable condition.

46 “Person with a disability”, a person between the ages of 18 to 59, inclusive, who is a
47 person with an intellectual disability or a person with a developmental disability as defined under
48 section 1 of chapter 123B or who is otherwise mentally or physically disabled and, as a result of
49 that mental or physical disability, is wholly or partially dependent on another to meet that
50 person’s daily living needs.

51 “Recommendation”, a statement contained in an investigation report prepared pursuant to
52 this chapter that sets forth specific action intended by the investigator to protect a particular
53 person with a disability or similarly situated persons with disabilities from further abuse or risk

54 of abuse and that responds to the specific protective needs of the person with a disability or
55 persons with disabilities.

56 “Reportable condition”, a serious physical or serious emotional injury sustained by a
57 person with a disability and for which there is reasonable cause to believe that the injury resulted
58 from abuse; or reasonable cause to believe that abuse per se exists.

59 “State agency”, an agency of the commonwealth that provides services or treatment to
60 persons with disabilities, including a private entity providing such services or treatment pursuant
61 to a contract, license or agreement with an agency of the commonwealth.

62 SECTION 5. Section 2 of said chapter 19C is hereby amended by striking out the title,
63 and inserting in place thereof the following title: Establishment of the commission for the
64 protection of persons with disabilities; membership; terms; compensation; annual report.

65 SECTION 6: Section 2 of said chapter 19C is hereby amended by striking out the first
66 sentence and inserting in place thereof the following sentence:- There shall be a commission for
67 the protection of persons with disabilities.

68 SECTION 7. Said section 2 of said chapter 19C is hereby further amended by striking
69 out, in line 5, the words “disabled persons” and inserting in place thereof the following words:-
70 persons with disabilities.

71 SECTION 8. Said section 2 of said chapter 19C is hereby further amended by striking out
72 the third, fourth, and fifth sentences and inserting in place thereof the following sentences:- The
73 commission shall consist of 3 members to be appointed by the governor, 1 of whom the governor
74 shall designate as chair. Members of the commission shall serve for a term of 5 years.

75 SECTION 9. Said section 2 of chapter 19C is hereby further amended by striking out the
76 ninth sentence, and inserting in place thereof the following sentence:- A person appointed to fill
77 a vacancy occurring other than by the expiration of a term of office shall be appointed for the
78 unexpired term of the member succeeded.

79 SECTION 10. The first paragraph of section 3 of said chapter 19C is hereby amended by
80 striking out clause (a) and inserting in place thereof the following clause:-

81 (a) to employ, subject to appropriation, the staff necessary to carry out its duties pursuant
82 to this chapter; provided, however, that the commission shall establish written standards for the
83 position of investigator and shall hire investigators whose education and training qualifies them
84 for the position pursuant to the standards established by the commission; provided further, that
85 the commission shall take the steps necessary to ensure that the conduct of each investigator
86 meets or exceeds the standards; and provided further, that the staff shall serve at the pleasure of
87 the commission and shall not be subject to chapter 31.

88 SECTION 11. Said section 3 of said chapter 19C is hereby further amended by striking
89 out, in lines 20 and 21, the words “disabled persons” and inserting in place thereof the following
90 words:- persons with disabilities.

91 SECTION 12. Said section 3 of said chapter 19C is hereby further amended by striking
92 out, in line 22, the words “other state”.

93 SECTION 13. Said section 3 of said chapter 19C is hereby further amended by striking
94 out, in line 27, the word “nine” and inserting in place thereof the following words:- 5 or section
95 9.

96 SECTION 14. Said section 3 of said chapter 19C is hereby further amended by striking
97 out, in lines 28 and 29, the words “disabled persons” and inserting in place thereof the following
98 words:- persons with disabilities.

99 SECTION 15. Said section 3 of said chapter 19C is hereby further amended by striking
100 out, in lines 31 and 32, the words “the provisions of chapters sixty-six and sixty-six A” and
101 inserting in place thereof the following words:- chapters 66 and 66A; provided, however, that,
102 except as otherwise provided in this chapter, information that is created, collected, used,
103 maintained or disseminated pursuant to this chapter and that is confidential or personally
104 identifiable information pursuant to state or federal law shall not be a public record pursuant to
105 clause Twenty-six of section 7 of chapter 4 or chapter 66.

106 SECTION 16. The first paragraph of said section 3 of said chapter 19C is hereby
107 amended by striking clauses (h) and (i) and inserting in place thereof the following 2 clauses:-

108 (h) to establish within the commission a special investigative unit that shall have sole
109 responsibility for the initial evaluation or investigation of all reports of abuse received by the
110 commission in connection with which there is an allegation of criminal conduct; provided,
111 however, that the colonel of state police shall assign not less than 5 state police officers to the
112 special investigative unit; and

113 (i) to promulgate rules and regulations establishing procedures to exclude personally
114 identifiable information regarding the subjects of investigations and to carry out the
115 responsibilities of this chapter in such a way as to disclose as little personally identifiable
116 information as possible.

117 SECTION 17. Section 4 of said chapter 19C is hereby amended by striking out, in line 1,
118 the words “disabled person” and inserting in place thereof the following words:- person with a
119 disability, and subject to the commission’s authority to conduct its own investigation.

120 SECTION 18. The first paragraph of said section 4 of said chapter 19C is hereby
121 amended by striking out clauses (b) and (c) and inserting in place thereof the following 3
122 clauses:-

123 (b) refer immediately any such report that alleges the occurrence of abuse of a person
124 with a disability whose caretaker is a state agency to the state agency within the executive office
125 of health and human services that is the primary service providing agency for the disability
126 manifested by the person with a disability; provided, however, that as assigned by the
127 commission, the commission or the referral agency subject to the oversight of the commission
128 shall investigate the abuse as provided in section 5; and provided further, that, if a commission
129 investigation is being conducted, the referral agency shall take reasonable steps to avoid
130 unnecessary, unwarranted or counterproductive duplication of the commission’s investigation
131 through an internal investigation or inquiry by the referral agency and shall, when there is
132 duplication, utilize the commission’s investigation in lieu of an internal investigation or inquiry.

133 (c) refer immediately any such report that alleges the occurrence of abuse of a person
134 with a disability whose caretaker is not a state agency to the agency within the executive office
135 of health and human services that the commission determines, based on the person’s reported
136 disability, would most likely provide, license an entity to provide or contract with or enter into an
137 agreement to provide services or treatment to the person with a disability; provided, however,

138 that, as assigned by the commission, the commission or the assigned referral agency subject to
139 the oversight of the commission shall investigate such abuse as provided in section 5.

140 (d) in accordance with subsections (b) and (c), refer immediately reports that the
141 commission determines present imminent risk of substantial harm to a person with a disability,
142 regardless of whether any serious injury is alleged, for the provision of protective services.

143 SECTION 19. Said section 4 of said chapter 19C is hereby further amended by striking
144 out, in lines 35 and 36, the words “disabled person where the screener” and inserting in place
145 thereof the following words:- person with a disability where the commission staff.

146 SECTION 20. Said section 4 of said chapter 19C is hereby further amended by striking
147 out, in line 38, the word “screener” and inserting in place thereof the following words:-
148 commission staff.

149 SECTION 21. Said section 4 of said chapter 19C is hereby further amended by striking
150 out, in line 40, the first time it appears, the word “and” and inserting in place thereof the
151 following word:- or.

152 SECTION 22. Said section 4 of said chapter 19C is hereby further amended by
153 striking out, in lines 40 to 42, inclusive, the words “and, upon completion of such evaluation and
154 investigation, shall report the results of such evaluation and investigation to the commissioners
155 who” and inserting in place thereof the following word: . Upon completion of such evaluation or
156 investigation, the special investigative unit shall report the results of such evaluation or
157 investigation to the commission that.

158 SECTION 23. Said section 4 of said chapter 19C is hereby further amended by inserting
159 after the word “initial,” in line 46, the following words:- evaluation or.

160 SECTION 24. Said section 4 of said chapter 19C is hereby further amended by striking
161 out, in lines 56 and 57, the words “clients of state agencies or of contract providers” and
162 inserting in place thereof the following words:- persons with disabilities.

163 SECTION 25. Said section 4 of said chapter 19C is hereby further amended by striking
164 out, in line 58, the words “commission’s or department’s”.

165 SECTION 26. Said section 4 of said chapter 19C is hereby further amended by inserting
166 after the word “investigation”, in lines 58 and 59, the following words:- by the commission or
167 referral agency.

168 SECTION 27. Section 5 of said chapter 19C is hereby amended by striking out, in lines
169 1, 13, 50, 63, 73 and 75, the words “disabled person” and inserting in place thereof, in each
170 instance, the following words:- person with a disability.

171 SECTION 28. Said section 5 of said chapter 19C is hereby further amended by inserting
172 after the word “designated”, in line 2, the following words:- and assigned.

173 SECTION 29. Said section 5 of said chapter 19C is hereby further amended by striking
174 out, in lines 2 to 4, inclusive, the words “, the general counsel, or a department within the
175 executive office of health and human services”.

176 SECTION 30. Said section 5 of said chapter 19C is hereby further amended by striking
177 out, in lines 7 and 8, the words “counsel or department of mental health or department of public

178 health” and inserting in place thereof the following words:- department of developmental
179 services, department of mental health or Massachusetts rehabilitation commission.

180 SECTION 31. Said section 5 of said chapter 19C is hereby further amended by striking
181 out, in line 9, the words “disabled person’s health or safety” and inserting in place thereof the
182 following words:- health or safety of a person with a disability.

183 SECTION 32. Said section 5 of said chapter 19C is hereby further amended by striking
184 out, in line 12, the words “the disabled person’s residence and day program, if any” and inserting
185 in place thereof the following words:- any sites relevant to the alleged abuse, which may include,
186 but shall not be limited to, the residence and day program of the person with a disability.

187 SECTION 33. Said section 5 of chapter 19C is hereby further amended by inserting, in
188 line 14, after the word “injuries” the following words:- or abuse per se.

189 SECTION 34. Said section 5 of said chapter 19C is hereby further amended by striking
190 out, in lines 17 to 19, inclusive, the words “, to the general counsel and to the department of
191 mental health and the department of public health” and inserting in place thereof the following
192 words:- and to the department of developmental services, the department of mental health or the
193 Massachusetts rehabilitation commission, as appropriate.

194 SECTION 35. Said section 5 of said chapter 19C is hereby further amended by striking
195 out, in line 22, the word “ten” and inserting in place thereof the following words:- 10, or the
196 employer of the mandated reporter.

197 SECTION 36. Said section 5 of said chapter 19C is hereby further amended by inserting
198 after the word “the”, in line 24, the first time it appears, the following word:- assigned referral.

199 SECTION 37. Said section 5 of said chapter 19C is hereby further amended by striking
200 out, in line 30, the word “neither” and inserting in place thereof the following word:- not.

201 SECTION 38. Said section 5 of said chapter 19C is hereby further amended by striking
202 out, in lines 31 to 33, inclusive, the words, “nor prevent the admission of such documents in any
203 civil or disciplinary proceeding arising out of the alleged abuse or neglect of the disabled
204 person”.

205 SECTION 39. Said section 5 of said chapter 19C, as so appearing, is hereby further
206 amended by striking out, in lines 43 and 44, the words “the facility named in the report, if any,”
207 and inserting in place thereof the following words:- any sites relevant to the report.

208 SECTION 40. Said section 5 of said chapter 19C is hereby further amended by striking
209 out, in line 45, the words “residents or clients in the same facility” and inserting in place thereof
210 the following words:- persons with disabilities.

211 SECTION 41. Said section 5 of said chapter 19C is hereby further amended by striking
212 out, in lines 46 and 47, the words “, the general counsel, the department of mental health and the
213 department of public health within” and inserting in place thereof the following words:- and to
214 the department of developmental services, the department of mental health or the Massachusetts
215 rehabilitation commission, as appropriate, within.

216 SECTION 42. Said section 5 of said chapter 19C is hereby further amended by striking
217 out, in line 52, the words “, the general counsel, the attorney general”.

218 SECTION 43. Said section 5 of said chapter 19C is hereby further amended by striking
219 out, in line 54, the words “six of chapter thirty-eight” and inserting in place thereof the following
220 words:- 3 of chapter 38.

221 SECTION 44. Said section 5 of said chapter 19C is hereby further amended by striking
222 out, in line 55, the word “ten” and inserting in place thereof the following words:- 10 business.

223 SECTION 45. Said section 5 of said chapter 19C is hereby further amended by striking
224 out, in lines 56, 58 and 61, the word “misconduct” and inserting in place thereof, in each
225 instance, the following word:- abuse.

226 SECTION 46. Said section 5 of said chapter 19C is hereby further amended by striking
227 out, in lines 59 and 60, the words “ respond in writing prior to the issuance of said report” and
228 inserting in place thereof the following words:- petition for review.

229 SECTION 47. Said section 5 of said chapter 19C is hereby further amended by striking
230 out, in line 67, the word “shall” and inserting in place thereof the following words:- may refer
231 any matters for which there is reason to believe that a violation of any statute, regulation or rule
232 has occurred to the agency of the commonwealth that has jurisdiction over the alleged violation.
233 In addition, the commission, notwithstanding any provisions of chapter 66A regarding personal
234 data to the contrary, shall.

235 SECTION 48. Said section 5 of said chapter 19C is hereby further amended by striking
236 out, in lines 77 to 79, inclusive, the words “or (c) a disabled person has suffered serious bodily
237 injury as a result of a pattern of repetitive actions or inactions by a caretaker” and inserting in
238 place thereof the following words:- (c) a person with a disability has suffered serious bodily

239 injury as a result of a pattern of repetitive acts or omissions by a caretaker; or (d) any other
240 criminal offense has occurred that has caused harm to a person with a disability.

241 SECTION 49. Said chapter 19C is hereby further amended by striking out section 6 and
242 inserting in place thereof the following section:-

243 Section 6. The commission, acting through agencies within the executive office of health
244 and human services designated by the commission to provide protective services and as
245 necessary to prevent further abuse in cases investigated, shall:

246 (i) furnish protective services to a person with a disability with the consent of the person
247 or the person's guardian;

248 (ii) petition the court for appointment of a conservator or guardian or for issuance of an
249 emergency order for protective services as provided in section 7; or

250 (iii) furnish protective services to a person with a disability on an emergency basis as
251 provided in said section 7.

252 SECTION 50. Section 7 of said chapter 19C is hereby amended by striking out, in lines 1
253 and 2, the words "the general counsel, the department of mental health or the department of
254 public health," and inserting in place thereof the following words:- the department of
255 developmental services, the department of mental health or the Massachusetts rehabilitation
256 commission.

257 SECTION 51. Said section 7 of said chapter 19C is hereby further amended by striking
258 out, in lines 4, 6 and 7, 12, 13, 16, 17 and 18, each time they appear, 20 and 21, 22, 29, 35, 39

259 and 40, 46, 47 and 48, 59, each time they appear, 61, 65, 67 and 68, the words “disabled person”
260 and inserting in place thereof, in each instance, the following words:- person with a disability.

261 SECTION 52. Said section 7 of said chapter 19C is hereby further amended by striking
262 out, in lines 5 and 6, 9, 33 and 34, 37 and 62, the words “, counsel or department” and inserting
263 in place thereof, in each instance, the following words:- or agency.

264 SECTION 53. Section 8 of chapter 19C is hereby amended by striking out, in the section
265 title, the words “disabled persons” and inserting in place thereof the following words: - persons
266 with disabilities.

267 SECTION 54. Said section 8 of said chapter 19C is hereby further amended by striking
268 out, in line 2, the words “disabled person” and inserting in place thereof the following words:-
269 person with a disability.

270 SECTION 55. Said section 8 of said chapter 19C is hereby further amended by striking
271 out, in line 6, the words “disabled persons” and inserting in place thereof the following words:- a
272 person with a disability.

273 SECTION 56. Section 9 of said chapter 19C is hereby amended by striking out clause
274 (d), as so appearing, and inserting in place thereof the following clause:-

275 (d) refer any matters for which there is reason to believe that abuse has occurred by a
276 state agency or its employee to the agency of the commonwealth funding, contracting or under
277 agreement with, or licensing such party for termination of the funding, agreement, contract, or
278 license or for such other action that the agency of the commonwealth deems appropriate.

279 SECTION 57. Section 10 of said chapter 19C is hereby amended by striking out, in line
280 3, the word “orally”.

281 SECTION 58. Section 10 of said chapter 19C is hereby further amended by striking out,
282 in lines 4 and 5, the words “and shall report in writing within forty-eight hours after such oral
283 report”.

284 SECTION 59. Said section 10 of said chapter 19C is hereby further amended by striking
285 out, in lines 7, 13, 19 and 29, the words “disabled person” and inserting in place thereof the
286 following words:- person with a disability.

287 SECTION 60. Said section 10 of said chapter 19C is hereby further amended by striking
288 out, in lines 10 and 11, the words “six of chapter thirty-eight” and inserting in place thereof the
289 following words:- 3 of chapter 38.

290 SECTION 61. Said section 10 of said chapter 19C is hereby further amended by inserting
291 after the word “file”, in line 12, the following word:- a.

292 SECTION 62. Said section 10 of said chapter 19C is hereby further amended by striking
293 out, in lines 27 and 28, the words “in any civil action arising out of a report made pursuant to this
294 chapter” and inserting in place thereof the following words:- participation in an investigation,
295 hearing, or other proceeding conducted pursuant to this chapter.

296 SECTION 63. Said section 10 of said chapter 19C is hereby further amended by striking
297 out, in lines 32 and 33, the words “oral and written reports, who fails to do so,” and inserting in
298 place thereof the following words:- a report and who fails to do so.

299 SECTION 64. Section 11 of said chapter 19C is hereby amended by striking out, in line
300 6, the words “the general counsel or”.

301 SECTION 65. Said section 11 of said chapter 19C is hereby further amended by striking
302 out, in line 9, the words “disabled person” and inserting in place thereof the following words:-
303 person with a disability.

304 SECTION 66. The third paragraph of said section 11 of said chapter 19C, as so
305 appearing, is hereby amended by inserting after the first sentence the following sentence:- The
306 commission may investigate any allegation under this section pursuant to section 5 or 9.

307 SECTION 67. Section 12 of said chapter 19C is hereby amended by striking out, in lines
308 10 and 11, the words “, in consultation with the secretary of health and human services,”.

309 SECTION 68. Said section 12 of said chapter 19C is hereby further amended by striking
310 out, in line 11, the word “formal”.

311 SECTION 69. Said section 12 of said chapter 19C is hereby further amended by striking
312 out, in lines 12 and 13, the words “, in consultation with the secretary of health and human
313 services,”.

314 SECTION 70. Said section 12 of said chapter 19C is hereby further amended by striking
315 out, in line 13, the words “a formal” and inserting in place thereof the following word:- an.

316 SECTION 71. Section 13 of said chapter 19C is hereby amended by striking the title,
317 inserting in place thereof the following title:- Notification by caretaker agency of the death of a
318 person with a disability.

319 SECTION 72. Section 13 of said chapter 19C is hereby further amended by striking out,
320 in lines 1 and 8, the words “disabled person” and inserting in place thereof, in each instance, the
321 following words:- person with a disability.

322 SECTION 73. Said section 13 of said chapter 19C is hereby further amended by striking
323 out, in line 6, the word “a” and inserting in place thereof the following word:- any.

324 SECTION 74. Said section 13 of said chapter 19C is hereby further amended by striking
325 out, in line 4, the word “orally”.

326 SECTION 75. Said section 13 of said chapter 19C is hereby further amended by striking
327 out, in lines 5, 6 and 7, the following words “, and shall forward to the commission and local law
328 enforcement officials a written report of such death”.

329 SECTION 76. Section 14 of said chapter 19C is hereby amended by striking out, in lines
330 2, 3, and 4, the words “the general counsel, or a department within the executive office of health
331 and human services” and inserting in place thereof the following words:- department of
332 developmental services, department of mental health, or the Massachusetts rehabilitation
333 commission,.

334 SECTION 77. Section 15 of said chapter 19C is hereby amended by inserting, in line 17,
335 after the term “or” as first appearing, the following word:- serious.

336 SECTION 78. Section 15 of said chapter 19C is hereby further amended, by striking, in
337 line 28, the word “respond”, and inserting in place thereof the following words:- petition for
338 review.

339 SECTION 79. Section 15 of said chapter 19C is hereby further amended, by striking, in
340 line 31, the word “include”, and inserting in place thereof the following word:- enter.

341 SECTION 80. Section 15 of said chapter 19C is hereby further amended, by striking, in
342 line 32, the words “name and date of birth” and inserting in place thereof the following words:-
343 name, date of birth, and any other personally identifying information as determined necessary by
344 the commission to confirm the identity of the care provider.

345 SECTION 81. Section 15 of said chapter 19C is hereby further amended by inserting, in
346 lines 37, 40, 50, 124, 125, 127, 129, 131, and 132, after the word “name”, in each instance, the
347 following words:- and personally identifying information.

348 SECTION 82. Section 15 of said chapter 19C is hereby further amended by striking out,
349 in lines 65 and 66, 68, and 74 the words “date of birth” and inserting in place thereof, in each
350 instance, the following words:- personally identifying information.

351 SECTION 83. Section 15 of said chapter 19C is hereby further amended, by striking out,
352 in lines 84 and 85, the words “including the records of its proceedings” and inserting in place
353 thereof the following words:- including the records of the registrable abuse investigation and
354 records of any hearing or other proceeding at the division or judicial appeal, including the
355 personally identifying information of all parties and witnesses.

356 SECTION 84: Section 15 of said Chapter 19C is hereby further amended by inserting
357 after the word “shall”, in line 85, the following words:- be confidential and shall.

358 SECTION 85: Section 15 of said Chapter 19C is hereby further amended, by inserting
359 after the word “registry”, in lines 88 and 94, in each instance, the following words:-and any
360 registrable abuse investigation or proceeding at the division or judicial appeal.

361 SECTION 86. Section 15 of said Chapter 19C is hereby further amended, by striking, in
362 lines 89 and 90, the word “anyone” and inserting in place thereof the following:- any person or
363 entity.

364 SECTION 87. Section 15 of said Chapter 19C is hereby further amended, by inserting,
365 after the word “registrable”, in line 109, the following words:- in the last fiscal year.

366 SECTION 88. Section 15 of said Chapter 19C is hereby further amended, by inserting,
367 after the word “registry”, in line 109, the following words:- as of the last day of the last fiscal
368 year.

369 SECTION 89. Section 220 of chapter 111 is hereby amended by striking out, in lines 20
370 and 21, the words “disabled persons protection commission” and inserting in place thereof the
371 following words:- commission for the protection of persons with disabilities.

372 SECTION 90. Section 15 of Chapter 19C of the General Laws, as appearing in the 2020
373 is hereby amended by striking the definition for “employer” and inserting in place thereof the
374 following definition:-

375 “Employer”, an entity that provides services or treatment to persons with intellectual or
376 developmental disabilities pursuant to (i) a contract or agreement with the department; (ii)
377 funding administered by the department; (iii) a license issued pursuant to section 15 or 15A of

378 chapter 19B; or (iv) a contract with MassHealth to provide day habilitation services subject to
379 130 CMR 419.000.

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