

HOUSE No. 595

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to assisted living facility care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

HOUSE No. 595

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 595) of James Arciero and others that the Executive Office of Elder Affairs establish a dispute resolution process for certain assisted living residences to contest findings issued for which corrective action is necessary. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to assisted living facility care.

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

1 Chapter 19D of the Massachusetts General Laws as appearing in the 2016 official edition
2 is hereby amended by inserting the following language at the end of Section 7:

3 The Executive Office of Elder Affairs shall implement an informal dispute resolution
4 process that allows residences to contest findings issued for which corrective action is
5 determined by the agency to be required. The agency shall offer an opportunity, at a residence’s
6 request, to dispute and appeal the finding and such request must be submitted in writing within
7 10 days of receipt of the agency’s findings are issued. The agency shall establish a 5-member
8 committee to review appeals. The Committee shall include a representative from Massachusetts
9 Senior Care Association, LeadingAge of Massachusetts, MassALA, the Commonwealth’s
10 Ombudsman Program, defined in Chapter 19A and EOEA, who will serve as committee
11 chairperson. Based upon its review of submitted materials, the committee may recommend that
12 the finding be sustained or deleted. At the committee meeting, all members (voting members

13 and alternates) may participate in the discussion. Only voting members may vote. If any
14 member has a conflict of interest, he/she is to declare that conflict and will not participate in the
15 discussion. Recommendations will be made based on committee consensus. If a consensus
16 cannot be reached, a recommendation will be made by a majority vote.