

HOUSE No. 725

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

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 strengthening the Attorney General’s tools to protect nursing home residents and other patients from abuse and neglect.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-------------------------|------------------|
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>2/9/2021</i> |
| <i>Maura Healey</i> | <i>Attorney General</i> | <i>2/10/2021</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>2/24/2021</i> |
| <i>Jessica Ann Giannino</i> | <i>16th Suffolk</i> | <i>2/24/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/24/2021</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>2/25/2021</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>2/26/2021</i> |
| <i>Adam J. Scanlon</i> | <i>14th Bristol</i> | <i>2/26/2021</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/26/2021</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>2/26/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/26/2021</i> |
| <i>Sally P. Kerans</i> | <i>13th Essex</i> | <i>2/26/2021</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>3/8/2021</i> |

HOUSE No. 725

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 725) of Ruth B. Balsler and others relative to the authority of the Attorney General to protect nursing home residents and other patients from abuse and neglect. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act strengthening the Attorney General’s tools to protect nursing home residents and other patients from abuse and neglect.

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 72K of chapter 111 of the General Laws, as appearing in the 2018 Official
2 Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the
3 following 2 new subsections:-

4
5 (b) The attorney general may file a civil action against a person who commits abuse,
6 mistreatment or neglect of a patient or resident or who misappropriates patient or resident
7 property, or against a person who wantonly or recklessly permits or causes another to commit
8 abuse, mistreatment or neglect of a patient or resident or who misappropriates patient or resident
9 property. The civil penalty for such abuse, mistreatment, neglect or misappropriation shall not
10 exceed: \$25,000 if no bodily injury results; \$50,000 if bodily injury results; \$100,000 if sexual
11 assault or serious bodily injury results; and \$250,000 if death results. Section 60B of chapter 231

12 shall not apply to an action brought by the attorney general pursuant to this section. Nothing in
13 this section shall preclude the filing of any action brought by the attorney general or a private
14 party pursuant to chapter 93A or any action by the department pursuant to this chapter.

15

16 (c) Notwithstanding section 5 of chapter 260, the attorney general may file a civil action
17 only within four years next after an offense is committed.