

SENATE No. 00289

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 passage of the accompanying bill:

An Act to protect public health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

SENATE No. 00289

By Mr. Tarr, petition (accompanied by bill, Senate, No. 289) of Swan, Moore, Knapik and other members of the General Court for legislation to protect public health [Joint Committee on Elder Affairs].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to protect public health.

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 28 of Chapter 19A of the General Laws is hereby amended by adding
2 the following at the end thereof:

3 The ombudsman program contained in this section shall apply to the residents of any
4 facility licensed or certified by the executive office of health and human services.

5 In carrying out the provisions of this section the secretary shall develop and implement a
6 system to record and track all complaints filed with the ombudsman and their disposition.

7 The ombudsman shall develop, implement and promulgate a protocol for the receipt,
8 analysis, investigation and effective response to complaints received. Said protocol shall include
9 but not be limited to the establishment of criteria for referral to a district attorney for the
10 investigation and prosecution of crimes where they may have occurred, and to the appropriate

11 department of state government for the investigation of violation of treatment protocols and/or
12 standards of care and the necessary measures to address such violations.

13 The protocol so developed shall be clear, easily comprehensible and provide standards
14 for prompt action in response to complaints. Said protocol shall also provide for the direct
15 referral of complaints to the secretary for matters remaining unresolved for a period of longer
16 than 90 days following the filing of a complaint.

17 Section 2. Section 28 of said chapter is further amended by striking in the first sentence
18 the words “subject to appropriation or the receipt of federal funds”.