

SENATE No. 390

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to ensure resident safety within assisted living facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>3/2/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/2/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

SENATE No. 390

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 390) of Mark C. Montigny, Paul A. Schmid, III, Christopher Hendricks and James B. Eldridge for legislation for the promulgation of regulations to ensure resident safety within assisted living facilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act to ensure resident safety within assisted living facilities.

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 9 of chapter 19D of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting at the end thereof the following:

3 “(c) Notwithstanding the provisions of any general or special law to the contrary, every
4 assisted living residence shall establish a Human Rights Committee which shall have the
5 authority to receive and investigate, or investigate on its own motion, any complaints affecting
6 the rights of residents. The executive office of elder affairs shall promulgate regulations
7 regarding the composition, terms, and duties of said committee, and shall provide annual training
8 for human rights committee members on a regional basis or virtually.

9 The secretary shall designate not less than two employees who shall be trained in
10 enforcement and resolution of violations of the human rights of assisted living residents and
11 staff. Said Human Rights Officers shall work with assisted living residences human rights
12 committees to provide assistance and support in processing resident complaints.”.

13 SECTION 2: Section 14 of said chapter 19D is hereby amended by inserting after the
14 words, “sponsor’s covenant to comply with applicable federal and state laws”, the following:- “,
15 including chapters 186 and 239 of the general laws.”.

16 SECTION 3. Section 14 of said chapter 19D is hereby further amended by inserting at
17 the end thereof the following:-

18 “The Attorney General shall promulgate regulations pursuant to section 2(c) of chapter
19 93A of the general laws to protect the consumer rights of residents of assisted living residences,
20 including all assisted living residences operated by facilities providing continuing care as defined
21 by section 76 of chapter 93, against unfair deceptive acts or practices and to provide that the
22 violation of such regulations as well as the regulations pursuant to chapter 19 shall be considered
23 a violation of said chapter 93A of the general laws.”.

24 SECTION 4. Section 17 of said chapter 19D is hereby amended by striking, in line 7, the
25 words, “director of housing and community development,” and inserting in place thereof the
26 following words:- “secretary of housing”.

27 SECTION 5. Said chapter 19D is hereby further amended by inserting after section 18
28 the following section:-

29 “Section 19. (a) Each assisted living residence shall ensure twenty-four hour per day
30 coverage of at least one on-site AED provider, as defined by section 12V½ of chapter 112. Each
31 assisted living residence shall ensure that at least one automated external defibrillator is readily
32 available on site. The department shall not issue certification to any assisted living residence in
33 violation of this section.

34 (b) Each assisted living residence shall not prohibit a staff person trained in the proper
35 administration of cardiopulmonary resuscitation or use of an automated external defibrillator, in
36 accordance with the definition of “AED provider” in section 12V½ of chapter 112, from
37 administering such emergency assistance to a resident who does not have a documented or
38 clearly visible do not resuscitate order. An assisted living residence may require documentation
39 of proper training from such staff person before such person is permitted to render emergency
40 care in the facility. An assisted living residence may prohibit a staff person not adequately
41 trained in the proper administration of cardiopulmonary resuscitation or use of an automated
42 external defibrillator from administering such emergency assistance to a resident. Such facility
43 shall not retaliate against any trained staff person for rendering emergency assistance, including
44 but not limited to, threatened suspension, demotion or loss of employment.”.

45 SECTION 6. The provisions of section 1 of this act shall take effect on July 1, 2025.

46 SECTION 7. Notwithstanding any general or special law to the contrary, the attorney
47 general shall promulgate regulations pursuant to section 3 of this act, no later than one year
48 following the passage of this act.