
[Senate, August 1, 1974—Substituted by amendment by the Senate (Fonseca) for House Bill No. 3985.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT PROVIDING FOR THE INSPECTION OF LONG TERM CARE 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. The second paragraph of section 72 of chapter
2 111 of the General Laws, as appearing in section 10 of chap-
3 ter 891 of the acts of 1967, is hereby amended by adding the
4 following paragraph: — Any person making an inspection
5 under authority of this section shall record in writing every
6 violation which he finds of the applicable rules and regulations
7 of the department. Every record of inspection so made shall
8 be treated as a public record except to such extent as the
9 record or a portion thereof is expressly exempt from such
10 treatment under section seven of chapter four. Inspections
11 hereunder shall be unannounced and made at such intervals
12 as the department shall specify in its rules and regulations,
13 but not less frequently than two times per annum. Said
14 inspections must be made during normal business hours. A
15 visit made to a facility for the purpose of providing consulta-
16 tion shall not be considered to be an inspection.

1 SECTION 2. Said chapter 111 is hereby further amended by
2 inserting after section 72D the following section: —

3 *Section 72E.* The department shall, after every inspection
4 by its agent made under authority of section seventy-two,
5 give the licensee of the inspected facility notice in writing of
6 every violation of the applicable rules and regulations of the
7 department found upon said inspection. The department in
8 such notice shall specify a reasonable time, not more than
9 sixty days after receipt thereof, by which time the licensee

10 shall remedy or correct each violation cited therein; provided,
11 that, in the case of any violation which in the opinion of the
12 department is not capable of correction within sixty days,
13 the department shall require only that the licensee submit a
14 written plan for correction of the violation in a reasonable
15 manner. The department may modify any nonconforming plan
16 upon notice in writing to the licensee. Failure to remedy or
17 correct a cited violation by the date specified in a written
18 notice hereunder or failure to remedy or correct a cited
19 violation by the date specified in a plan for correction as
20 accepted or modified by the department, as the case may be,
21 shall be cause for license revocation or such other sanction
22 as the department may impose administratively upon the
23 licensee under section seventy-one and for such civil fine as
24 may be imposed upon the licensee after complaint brought
25 by the department under section seventy-three, unless the
26 licensee shall demonstrate to the satisfaction of the depart-
27 ment or the court, as the case may be, that such failure was
28 not due to any neglect of his duty and occurred despite his
29 attempt in good faith to make correction by the specified
30 time. The department may pursue either remedy or both.

1 SECTION 3. This act shall take effect on January first, nine-
2 teen hundred and seventy-five.