

By Mr. Torrasi of North Andover, petition of David M. Torrasi and others that long-term care facilities be directed to notify the Department of Public Health of voluntary closures of such facilities. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

David M. Torrasi  
Bruce E. Tarr  
Ruth B. Balser  
Michael E. Festa

Barbara A. L'Italien  
Martin J. Walsh  
William Lantigua  
John W. Scibak

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE VOLUNTARY CLOSURE 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 Chapter 111 of the General Laws is hereby amended by
- 2 inserting after section 71A½ the following sections:—
- 3 Section 71B. A long-term care facility that holds a license
- 4 issued by the department shall inform the department in writing of
- 5 any proposed voluntary closure of the facility. Such notice shall
- 6 be given not less than 90 days in advance of the proposed closure
- 7 and shall state the reasons for the closure. The facility shall give
- 8 concurrent notice of the proposed closure to patients and their
- 9 families. The facility shall submit to the department with the
- 10 notice of proposed closure a written plan for notice to and relocation
- 11 of patients. The plan shall detail the measures the facility will
- 12 take to assure each patient's placement in another long-term care
- 13 facility with services necessary for the patient's treatment, in a
- 14 location acceptable to the patient.

15 The department shall conduct a public hearing within 45 days  
16 of receiving notice on the proposed closure. The hearing shall be  
17 held in the community where the facility is located. Any person  
18 aggrieved by the proposed closure may testify at the hearing. The  
19 department shall determine whether the facility's relocation plan  
20 sufficiently protects the access of the facility's patients to neces-  
21 sary health services. The department may require further docu-  
22 mentation from the facility as to how it will minimize harm to  
23 patients from the closure.

24 A long-term care facility's failure to comply with the notice  
25 provisions set forth in this section or to implement an appropriate  
26 relocation plan, or the commencement of the transfer of patients  
27 prior to the expiration of 90 days, may result in a finding that an  
28 emergency exists as defined in section 72M and the department  
29 may seek the appointment of a receiver. A long-term care facili-  
30 ty's failure to assure appropriate notice to and relocation of all  
31 patients may result in a finding of abuse, mistreatment or neglect  
32 as defined in section 72F.

33 The department shall notify the secretary of elder affairs of any  
34 public hearing or of any action to be taken under this section. The  
35 department shall promulgate regulations to implement the require-  
36 ments of this section.