

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 406) of Robert L. Hedlund for legislation to require notification by nursing homes, rest homes and long term care facilities if certain health or safety concerns cannot be addressed. Elder Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REQUIRING NOTIFICATION BY NURSING HOMES, REST HOMES AND LONG TERM CARE FACILITIES IF CERTAIN HEALTH OR SAFETY CONCERNS CANNOT BE ADDRESSED.

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. Chapter 111 of the General Laws is hereby amended by inserting after section 72E
2 the following section:-

3 Section 72E ½. (a) For purposes of this section, the following words shall have the
4 following meanings:-

5 "Administrator", the head administrator or supervisor of a nursing home, rest home or
6 long-term care facility.

7 "Family member", the spouse, son, daughter or sibling of a person who resides in a
8 nursing home, rest home or long-term care facility.

9 "Guardian", a person who has qualified as a legal guardian of a person who is a resident
10 in a nursing home, rest home or long-term care facility.

11 (b) If a resident or a family member or guardian of a resident of a nursing home, rest
12 home or long-term care facility raises a specific concern about the health or safety of such a
13 resident either verbally or in writing to such home or facility, the administrator shall respond in
14 writing to the resident, family member or guardian within 30 days of the home's or facility's
15 receipt of communication. The written response shall identify the concerns raised by the
16 resident, family member or guardian and shall explain what corrective action, if any, the
17 administrator shall take. If the administrator is unable to make any changes that would address
18 such health or safety concerns, the written response shall identify the concerns raised by the
19 resident, family member or guardian and shall state the specific reasons why no corrective
20 action can be taken. If an administrator requires further information in order to respond, the
21 administrator shall request such additional information within 15 days of the receipt of the
22 initial communication, and shall then respond in writing to the concern not later than 30 days
23 after receiving any additional information.

24 (c) If the department determines that a nursing home, rest home or long-term care
25 facility consistently fails to comply with this section, the department may revoke the license of
26 such home or facility pursuant to the procedures under section 71.