

By Mr. Magnani of Framingham, petition of David P. Magnani, Paul Kollios, Christopher J. Hodgkins, Mary L. Padula, Richard A. Kraus and Angelo M. Scaccia for legislation to insure the elderly equal access to long term care facilities. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO INSURE THE ELDERLY EQUAL ACCESS TO 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.** Chapter 19A of the general laws is hereby amend-
2 ed by inserting after section 32 a new section, 32A. 32A Equal
3 Access to Long Term Care Facilities. Each long term care
4 facility shall:

5 (a) provide a receipt to each applicant for admission to its
6 facility and who requests placement on a waiting list stating
7 the date and time of such request and

8 (b) shall not refuse an application from any person for any
9 reason and

10 (c) maintain a dated list of such applications which shall
11 be available at all times to any applicant, his bona fide
12 representative, authorized personnel from the departments of
13 public health services, D.E.A., and such other state agencies
14 or other bodies established by state statute whose statutory
15 duties necessitate access to such lists, and

16 (d) shall, every two weeks, forward a copy of every receipt
17 issued to applicants to the office of the state nursing home om-
18 budsman within the department of elder affairs.

19 (e) shall, every two weeks, forward a list of all applicants
20 placed to the office of the nursing home ombudsman.

1 **SECTION 2.** Any admission of a private pay applicant before
2 the admission of a non-private pay applicant who appears
3 higher on the waiting list than said private pay applicant, shall

4 create a rebuttable presumption of discrimination made
5 unlawful herein. This shall not preclude a long term care facili-
6 ty from making emergency placements based on criteria to
7 be established by the nursing home ombudsman.

1 SECTION 3. Chapter 19A of the general laws is hereby fur-
2 ther amended, in section 33 by adding a new clause, (i):

3 (i) insure the elderly equal access to long term care
4 facilities.