

**HOUSE . . . . . No. 610**

By Mrs. Harkins of Needham, petition of Lida E. Harkins and others relative to assisted living facilities. Elder Affairs.

**The Commonwealth of Massachusetts**

PETITION OF:

Lida E. Harkins	Willie Mae Allen
Richard T. Moore	Denise Provost
Joyce A. Spiliotis	Antonio F. D. Cabral
Patricia A. Haddad	Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO 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 4 of said chapter 19D, as so appearing, is  
2 hereby amended by inserting after the second sentence the following  
3 sentence:—  
4 Upon the construction and opening of a new assisted living  
5 facility the department shall issue an initial one year provisional cer-  
6 tification.

1 SECTION 2. Section 5 of said chapter 19D, as so appearing, is  
2 hereby amended by inserting after the second sentence the following  
3 sentence:—  
4 The executive office of elder affairs through its certification unit  
5 shall provide continuous and ongoing training on an annual basis for  
6 assisted living residence in the recertification process. This training  
7 shall include but not be limited to the following: interpretation of the  
8 General Laws, regulations and procedures and policies.

1 SECTION 3. Said section 5 of said chapter 19D is hereby further  
2 amended by inserting after the fourth sentence the following sen-  
3 tence:—

4 The compliance review process shall be an interactive process  
5 with sharing of information and recommendations between the  
6 assisted living facility and the executive office of elder affairs.

1 SECTION 4. Said chapter 19D is hereby amended by striking out  
2 section 6 and inserting in place thereof the following section:—

3 Section 6. The department may impose a civil penalty, deny, sus-  
4 pend or revoke a certification in any case in which it finds there has  
5 been a failure or refusal to comply with the requirements established  
6 under this chapter or the regulation promulgated there under. A fee  
7 schedule for penalties based upon a failure to cure deficiencies or  
8 repeat violations shall be developed between the assisted living  
9 facility and the executive office. The civil penalties that shall be not  
10 less than \$100.00 nor more than \$500.00 per day, based on the  
11 nature and level of the offence. When a violation of a requirement,  
12 under this chapter, is brought to the attention of the assisted living  
13 facility there shall be a period to correct the violation. During this  
14 correction period, no fine shall be imposed. If the violation is cor-  
15 rected during the correction period, no fine shall be levied upon the  
16 assisted living facility. Notice of a fine, denial, revocation, suspen-  
17 sion or modification and the sponsor's or applicant's right to an adju-  
18 dicatory proceeding shall be governed by the provisions of  
19 chapter 30A.

1 SECTION 5. Section 7 of said chapter 19D, as so appearing, is  
2 hereby amended by adding the following sentence:—

3 The program in conjunction with assisted living providers, shall  
4 establish clear and consistent protocols for collecting and reporting  
5 information in order to better evaluate trends in assisted living oper-  
6 ations.

1 SECTION 6. Section 15 of said chapter 19D, as so appearing, is  
2 hereby amended by adding the following paragraph:—

3 (d) Notwithstanding regulations promulgated by the department,  
4 employees with the required General Orientation or Special Care  
5 Residence General Orientation training as required by the executive  
6 office of elder affairs shall be transferable for each employee from  
7 one Residence to another.

1 SECTION 7. Section 16 of said chapter 19D, as so appearing, is  
2 hereby amended inserting after the first sentence the following  
3 sentence:—

4 The eviction process within an assisted living residence is based  
5 on a landlord tenant relationship. The provisions of chapter 186  
6 shall apply in any eviction proceeding of a resident from an assisted  
7 living facility.

1 SECTION 8. Section 1 of chapter 209A of the General Laws, as  
2 so appearing, is hereby amended by inserting after the words “same  
3 household”, in line 15 the following words:—

4 “or residing in an assisted living facility as defined in chapter 19D  
5 or the operator of a facility as defined in chapter 19D”.