

# HOUSE . . . . . No. 2267

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	William Lantigua
Barbara A. L'Italien	Patricia D. Jehlen
Anthony J. Verga	Susan C. Tucker
Stephen R. Canessa	Jennifer M. Callahan

In the Year Two Thousand and Seven.

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 inserting
- 2 after section 71A½ the following section:—
- 3 Section 71B. A long-term care facility that holds a license issued
- 4 by the department shall inform the department in writing of any pro-
- 5 posed voluntary closure of the facility. Such notice shall be given
- 6 not less than 90 days in advance of the proposed closure and shall
- 7 state the reasons for the closure. The facility shall give concurrent
- 8 notice of the proposed closure to patients and their families. The
- 9 facility shall submit to the department with the notice of proposed
- 10 closure a written plan for notice to and relocation of patients. The
- 11 plan shall detail the measures the facility will take to assure each
- 12 patient's placement in another long-term care facility with services
- 13 necessary for the patient's treatment, in a location acceptable to the
- 14 patient.
- 15 The department shall conduct a public hearing within 45 days of
- 16 receiving notice on the proposed closure. The hearing shall be held
- 17 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 suf-  
20 ficiently protects the access of the facility's patients to necessary  
21 health services. The department may require further documentation  
22 from the facility as to how it will minimize harm to patients from the  
23 closure.

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

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