

SENATE NO. 427

AN ACT RELATIVE TO ESTABLISHING A PERSONAL CARE ATTENDANT REGISTRY

*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 6 of the General Laws, as appearing in the 2004 Official Edition, is
2 hereby amended by inserting after section 80 the following new section:-

3 Section 80A. For purposes of this section, the words, “elderly person” and “disabled person”,
4 shall be defined as provided in section 172C of chapter 6 and the following words shall, unless the
5 context requires otherwise, have the following meanings:-

6 “Personal care attendant”, an individual providing care, treatment, education, training,
7 transportation, delivery of meals, instruction, counseling, supervision, recreation or other services in a
8 home or community based setting for an elderly or disabled person.

9 “Client”, an individual in receipt of the services of a personal care attendant or the services of
10 any agency or organization that employs or refers personal care attendants.

11 SECTION 2. The commission shall, subject to appropriation, establish and maintain a registry on all
12 personal care attendants, hereinafter referred to as “the registry”.

13 The registry shall contain specific documented findings by the commission of client abuse,
14 mistreatment, neglect or misappropriation of client property, as well as the statements of any personal
15 care attendant disputing the findings. In the case of inquiries to the registry concerning a personal care
16 attendant, any information disclosed concerning such a finding shall also include disclosure of any
17 such statement in the registry relating to the finding or a clear and accurate summary of such a
18 statement. The registry and its information shall be available to all disabled or elderly individuals
19 seeking to employ a personal care attendant.

20 The commission shall notify any personal care attendant involved in an allegation of client
21 abuse, mistreatment, neglect or misappropriation of client property, and shall provide reasonable
22 opportunity for a hearing for the purposes of allowing the personal care attendant to rebut the
23 allegations. The commission shall make a finding relative to the accuracy of the allegations.

24 If the commission finds that a personal care attendant has abused, mistreated, neglected or
25 misappropriated client property, it shall notify the client and the employer of the personal care
26 attendant, if any. The commission shall not make a finding that a personal care attendant has
27 neglected a client if he or she can demonstrate that such neglect was caused by factors beyond the
28 control of the personal care attendant.

29 Any agency or organization that employs or refers personal care attendants shall be required to
30 adhere to the provisions of section 172C of chapter 6.

31 The commission shall promulgate such rules and regulations as may be necessary to implement
32 the provisions of this section.