

# SENATE NO. 1254

## **AN ACT** ENSURING THE SAFETY AND PROTECTION OF HOSPITAL PATIENTS

*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 is hereby amended by inserting after section 172E,  
2 inserted by section 3 of chapter 336 of the acts of 1998, the following section:—

3 Section 172F. For the purposes of this section the term “health care facility” shall  
4 include any person, including the Commonwealth or any political subdivision thereof, acting in  
5 the interest of an employer, directly or indirectly, and engaged, whether or not for profit or as a  
6 public charity, in the operation of a general, mental, chronic disease, tuberculosis or other type  
7 of hospital, clinic or infirmary of any related facility such as an outpatient department of a  
8 training facility.

9  
10 Notwithstanding any provision of section 172, criminal offender record information  
11 shall be available to any health care facility for the purpose of obtaining criminal offender  
12 record information on an applicant under final consideration for, or an individual currently  
13 employed in, a position that involves the provision of direct personal care of treatment to  
14 patients of such facility. A health care facility shall obtain all available criminal offender record  
15 information from the criminal history systems board on an applicant under final consideration

16 for a position that involves the provision of direct personal care or treatment to patients. A  
17 health care facility, which obtains information under this section, shall prohibit the  
18 dissemination of such information for any other purpose other than to further the protection of  
19 the patients of health care facilities including, but not limited to, dissemination among and  
20 between health care facilities. A health care facility may employ an individual for a position that  
21 involves the provision of direct personal care or treatment to patients of such facility on a  
22 conditional basis prior to receiving the results of such individual's criminal offender record  
23 check from the criminal history systems board. No health care facility shall be liable for civil  
24 damages to any individual so conditionally employed and subsequently discharged by reason of  
25 information received as a result of a criminal offender record check completed pursuant to this  
26 section. The criminal history systems board may waive or reduce the fee assessable pursuant to  
27 section 172A for criminal offender record information made available pursuant to this section.  
28 Notwithstanding the provisions of general or special law to the contrary, the division of medical  
29 assistance shall, subject to appropriation, reimburse health care facilities for the portion of the  
30 costs associated with obtaining criminal offender record information on employees pursuant to  
31 this section.