

# HOUSE . . . . . No. 1689

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act relative to criminal offender record information checks for assisted living employees..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           6 of the General Laws is hereby amended by inserting after section 172E the following  
2 section:--

3           Section 172E1/2. Notwithstanding any provision of section 172, criminal record  
4 information shall be available to any assisted living residences as defined in section 1 of chapter  
5 19D and to any continuing care facility as defined in section 1 of chapter 19D and to any  
6 continuing care facility as defined in section 1 of chapter 40D for the purpose of obtaining  
7 criminal offender record information on an applicant under final consideration for, or an  
8 individual currently employed in, a position that involves the provision of direct personal care or  
9 treatment to residents of such facility. Any such assisted living residence or continuing care  
10 facility shall obtain all available criminal offender record information from the criminal history  
11 systems board on an applicant under final consideration for a position that involves the provision  
12 of direct personal care or treatment to residents.

13           An assisted living residence or continuing care facility which obtains information under  
14 this section shall prohibit the dissemination of such information for any purpose other than to

further the protection of the elderly or the disabled, including, but not limited to, dissemination among and between assisted living residences and continuing care facilities.

An assisted living residence or continuing care facility may employ an individual for a position that involves the provision of direct personal care or treatment to residents of such facility on a conditional basis prior to receiving the results of such individual's criminal offender record check from the criminal history systems board.

No assisted living residence or continuing care facility shall be liable for civil damages to any individual so conditionally employed and subsequently discharged by reason of information received as a result of a criminal offender record information check completed pursuant to this section.

The criminal history system board may waive or reduce the fee assessable pursuant to section 172A for criminal offender record information made available pursuant to this section.

Notwithstanding any general or special law to the contrary, the division of medical assistance shall, subject to appropriation, reimburse assisted living residences and continuing care facilities for the portion of the costs associated with obtaining criminal record information on employees pursuant to this section.