

HOUSE No. 2175

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after section 71A½ the following section:—

3 Section 71B. A long-term care facility that holds a license issued by the department shall
4 inform the department in writing of any proposed voluntary closure of the facility. Such notice
5 shall be given not less than 90 days in advance of the proposed closure and shall state the reasons
6 for the closure. The facility shall give concurrent notice of the proposed closure to patients and
7 their families. The facility shall submit to the department with the notice of proposed closure a
8 written plan for notice to and relocation of patients. The plan shall detail the measures the facility
9 will take to assure each patient’s placement in another long-term care facility with services
10 necessary for the patient’s treatment, in a location acceptable to the patient.

11 The department shall conduct a public hearing within 45 days of receiving notice on the
12 proposed closure. The hearing shall be held in the community where the facility is located. Any
13 person aggrieved by the proposed closure may testify at the hearing. The department shall
14 determine whether the facility’s relocation plan sufficiently protects the access of the facility’s

15 patients to necessary health services. The department may require further documentation from
16 the facility as to how it will minimize harm to patients from the closure.

17 A long-term care facility's failure to comply with the notice provisions set forth in this
18 section or to implement an appropriate relocation plan, or the commencement of the transfer of
19 patients prior to the expiration of 90 days, may result in a finding that an emergency exists as
20 defined in section 72M and the department may seek the appointment of a receiver. A long-term
21 care facility's failure to assure appropriate notice to and relocation of all patients may result in a
22 finding of abuse, mistreatment or neglect as defined in section 72F.

23 The department shall notify the secretary of the executive office of elder affairs of any
24 public hearing or of any action to be taken under this section. The department shall promulgate
25 regulations to implement the requirements of this section.