

**SENATE . . . . . No. 1709**

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

3 Section 172E½. 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 40D for the purpose of  
6 obtaining criminal offender record information on an applicant under final consideration for, or  
7 an individual currently employed in, a position that involves the provision of direct personal care  
8 or treatment to residents of such facility. Any such assisted living residence or continuing care  
9 facility shall obtain all available criminal offender record information from the criminal history  
10 systems board on an applicant under final consideration for a position that involves the provision  
11 of direct personal care or treatment to residents. An assisted living residence or continuing care  
12 facility which obtains information under this section shall prohibit the dissemination of such  
13 information for any purpose other than to further the protection of the elderly or the disabled,  
14 including, but not limited to, dissemination among and between assisted living residences and

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

19 No assisted living residence or continuing care facility shall be liable for civil damages to  
20 any individual so conditionally employed and subsequently discharged by reason of information  
21 received as a result of a criminal offender record information check completed pursuant to this  
22 section. The criminal history system board may waive or reduce the fee assessable pursuant to  
23 section 172A for criminal offender record information made available pursuant to this section.  
24 Notwithstanding any general or special law to the contrary, the division of medical assistance  
25 shall, subject to appropriation, reimburse assisted living residences and continuing care facilities  
26 for the portion of the costs associated with obtaining criminal record information on employees  
27 pursuant to this section.