

SENATE No. 326

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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,
2 is 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
4 person”, shall be defined as provided in section 172C of chapter 6 and the following words shall,
5 unless the 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
8 services in a 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
10 services of any agency or organization that employs or refers personal care attendants.

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

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

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

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

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

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

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