

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act re-establishing the Disabled Persons Protection Commission as an independent investigative commission..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>7/13/2012</i>

HOUSE No.

By Mr. Sannicandro of Ashland, a petition (subject to Joint Rule 12) of Tom Sannicandro relative to the Disabled Persons Protection Commission. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An act re-establishing the Disabled Persons Protection Commission as an independent investigative commission..

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. Clause (d) of section 3 of chapter 19C of the General Laws, as appearing in
2 the 2010 Official Edition, is hereby amended by inserting before the first word the following:-

3 “to determine when protective services are required, in accordance with the provisions of
4 section seven, and”

5 SECTION 2. Clause (h) of said section 3 of said chapter 19C, as so appearing, is hereby
6 amended by striking out the entire clause.

7 SECTION 3. Said section 3 of said chapter 19C, as so appearing, is hereby amended by
8 inserting the following:-

9 “(j) to enter into agreements, at the discretion of the Commissioners, with federal
10 agencies, agencies established by the federal government, and private entities in order to fulfill
11 the mandate as set out in this chapter.”

12 SECTION 4. Said chapter 19C, as so appearing, is hereby amended by inserting after
13 Section 3, the following section:-

14

15 “Section 3 ½. The Commission shall continue to be funded through direct appropriation.
16 In addition, the Governor and Secretary of Administration and Finance, in consultation with the
17 Secretary of Health and Human Services, shall determine the level of funding used within any
18 department under the executive office of health and human services for investigations during the
19 fiscal year 2013. Such funds shall be transferred to the Commission’s appropriation beginning
20 fiscal year 2014.

21 Subject to the approval of said commission, the executive director may apply for and
22 accept, on behalf of the Commonwealth any federal, local or private grants, bequests, gifts or
23 contributions to aid in the financing of any of the programs or policies of the office, provided,
24 however, that such acceptance does not conflict with the independence of the office. Such funds
25 shall be received by the state treasurer on behalf of the Commonwealth and deposited in a
26 separate account and shall be expended under the direction of the executive director to
27 accomplish the mandates of the office. Federal funds paid as reimbursement shall be deposited in
28 the General Fund.”

29 SECTION 5. Section 4 of said chapter 19C of the General Laws, as appearing in the 2010
30 Official Edition, is hereby amended by striking out clauses (b) and (c) and inserting the
31 following:-

32

33 “(b) All investigations, including by not limited to where the caretaker is a state agency
34 or a contracted provider of a state agency, shall be investigated by the designated investigator of
35 the Commission and no other department or agency shall be included in such investigation,
36 unless said investigation would delay a criminal investigation already in progress, as defined in
37 Section 12. In all cases where a commission investigation is being conducted, all departments
38 shall take reasonable steps to avoid unnecessary, unwarranted or counterproductive duplication
39 between any internal investigation, or inquiry by the department, and the commission’s
40 investigation, by utilizing the commission’s investigation in lieu of an internal investigation
41 conducted by said department.

42 (c) notify immediately of any such reports which allege the occurrence of abuse to a
43 disabled person whose caretaker is a state agency or other than a state agency to the general
44 counsel or to the department of developmental services, in those cases where the disabled person
45 is a person with an intellectual disability; to the department of mental health in those cases where
46 the person is otherwise mentally disabled; or to the Massachusetts rehabilitation commission, in
47 those cases where the disabled person is physically disabled.”

48 SECTION 6. The fifth paragraph of said section 4 of said chapter 19C, as so appearing, is
49 hereby amended by striking out the words “or department’s”, in lines 47 to 48, inclusive.

50 SECTION 7. Section 5 of said chapter 19C, as so appearing, is hereby amended by
51 striking out the words “the general counsel or a department within the executive office of health
52 and human services”, in lines 2 to 3, inclusive.

53 SECTION 8. The third paragraph of said section 5 of said chapter 19C, as so appearing,
54 is hereby amended by striking out “or by any agency it designates”, in line 17 and “or to the
55 agency”, in line 19.

56 SECTION 9. The fourth paragraph of said section 5 of said chapter 19C, as so appearing,
57 is hereby amended by striking out “or its designated agency”, in line 26.

58 SECTION 10. The first paragraph of section 6 of said chapter 19C, as so appearing, is
59 hereby amended by striking out the words “or department”, in line 7, and inserting the word “or”
60 between the words “commission” and “counsel”, in said line 7.

61 SECTION 11. Section 11 of said chapter 19C, as so appearing, is hereby amended by
62 striking out “\$1,000”, in line 9, and inserting “\$10,000”.

63 SECTION 12. Said chapter 19C, as so appearing, is hereby amended by inserting after
64 Section 13, the following section:-

65 Section 14. The General Court finds and declares that:

66 (1) investigation and remediation of instances of abuse of disabled persons must be
67 independent of any public or private agency providing services to those individuals; and

68 (2) the intent of this chapter is to establish the disabled persons protection commission as
69 an independent entity to provide for the investigation and remediation of instances of abuse of
70 disable persons in the commonwealth.