

**SENATE . . . . . No. 289**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Bruce E. Tarr*

*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 to protect public health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Susan C. Fargo</i>	
<i>Michael R. Knapik</i>	
<i>Richard T. Moore</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>

**SENATE . . . . . No. 289**

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 289) of Bruce E. Tarr, Susan C. Fargo, Michael R. Knapik, Richard T. Moore and others for legislation to protect public health. Elder Affairs.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to protect public health.

*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. Section 28 of Chapter 19A of the General Laws is hereby amended by  
2 adding the following at the end thereof:

3           The ombudsman program contained in this section shall apply to the residents of  
4 any facility licensed or certified by the executive office of health and human services.

5           In carrying out the provisions of this section the secretary shall develop and  
6 implement a system to record and track all complaints filed with the ombudsman and their  
7 disposition.

8           The ombudsman shall develop, implement and promulgate a protocol for the  
9 receipt, analysis, investigation and effective response to complaints received. Said protocol shall  
10 include but not be limited to the establishment of criteria for referral to a district attorney for the  
11 investigation and prosecution of crimes where they may have occurred, and to the appropriate

12 department of state government for the investigation of violation of treatment protocols and/or  
13 standards of care and the necessary measures to address such violations.

14                   The protocol so developed shall be clear, easily comprehensible and provide  
15 standards for prompt action in response to complaints. Said protocol shall also provide for the  
16 direct referral of complaints to the secretary for matters remaining unresolved for a period of  
17 longer than 90 days following the filing of a complaint.

18                   Section 2. Section 28 of said chapter is further amended by striking in the first  
19 sentence the words “subject to appropriation or the receipt of federal funds”.