HOUSE DOCKET, NO. 3074 FILED ON: 1/16/2015

HOUSE . . . . . No. 1882

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 instructing the Massachusetts Department of Public Health to study the feasibility of absorbing oversight of all "memory care" assisted living facilities and units in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce J. Ayers	*1st Norfolk*
Thomas M. Stanley	*9th Middlesex*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Chris Walsh	*6th Middlesex*

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HOUSE . . . . . No. 1882

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 1882) of Bruce J. Ayers and others that the Department of Public Health be directed to study the feasibility of absorbing oversight of "memory care" assisted living facilities and units in the Commonwealth. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act instructing the Massachusetts Department of Public Health to study the feasibility of absorbing oversight of all "memory care" assisted living facilities and units in the Commonwealth.

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. For the purpose of this legislation, the term "memory care unit" shall be
2 defined as an assisted living facility or a unit of an assisted living facility focusing solely on the
3 treatment of Alzheimer's Disease, Dementia, and other diseases resulting in permanent short-
4 term and/or long-term memory loss.

5 Section 2. This bill will instruct the Department of Public Health to conduct a
6 comprehensive study of the feasibility of absorbing oversight of all memory care units of assisted
7 living facilities in the Commonwealth from the Department of Elder Affairs. This bill will also
8 instruct the Department of Elder Affairs to forward all pertinent information relating to this
9 comprehensive study to the Department of Public Health.

10 Section 3. Transferring oversight of all memory care units of assisted living facilities in
11 the Commonwealth from the Department of Elder Affairs to the Department of Public Health
12 will allow for increased oversight necessary for the proper care of those suffering from
13 permanent memory loss. There are currently 151 memory care units in the Commonwealth, most
14 of which are incorporated as separate units of assisted living facilities, of which there are 224 in
15 the Commonwealth. All memory care units fall under the jurisdiction of the Department of Elder
16 Affairs, and are therefore not defined as medical units. Residents of memory care units are not
17 referred to as patients, and do not receive the proper medical care and attention necessary for
18 treating memory loss. Furthermore, the 224 assisted living facilities in the Commonwealth house
19 more than 14,000 residents, yet there are only two Department of Elder Affairs Ombudsmen
20 statewide to ensure each facility is complying with regulations. This bill will study the feasibility
21 of transferring all oversight of memory care units in the Commonwealth to the Department of
22 Public Health; therefore memory care units may be defined as medical units and the proper
23 regulations and supervision may be applied to facilities caring for those suffering from
24 permanent memory loss.

25 Section 4. The Department of Public Health shall be responsible for conducting a
26 comprehensive feasibility study on absorbing oversight of all memory care units of assisted
27 living facilities in the Commonwealth from the Department of Elder Affairs. The Department of
28 Elder Affairs shall be instructed to forward all pertinent information relative to this
29 comprehensive study to the Department of Public Health. The Department of Public Health shall
30 report their findings to the Governor of the Commonwealth; the Joint Committee on State
31 Administration and Regulatory Oversight; the Joint Committee on Public Health; the Joint
32 Committee on Elder Affairs; the general public; and other interested parties.

33 Section 5. The Department of Elder Affairs shall provide the Department of Public
34 Health with all pertinent information relating to this study no later than 90 days after passage of
35 this legislation.

36 Section 6. The Department of Public Health shall provide the full findings of this study to
37 the aforementioned parties in Section 4 no later than 2 years after passage of this legislation.