SENATE DOCKET, NO. 2496 FILED ON: 3/21/2016

SENATE . . . . . No. 2277

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 protecting elders and persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Patricia D. Jehlen	*Second Middlesex*	
Paul R. Heroux	*2nd Bristol*	*3/30/2016*
Paul J. Donato	*35th Middlesex*	*3/30/2016*
Mathew Muratore	*1st Plymouth*	*3/30/2016*
Elizabeth A. Poirier	*14th Bristol*	*3/30/2016*
Michelle M. DuBois	*10th Plymouth*	*3/30/2016*
Steven Ultrino	*33rd Middlesex*	*3/30/2016*
James J. Dwyer	*30th Middlesex*	*3/30/2016*
Carole A. Fiola	*6th Bristol*	*3/30/2016*
Michael F. Rush	*Norfolk and Suffolk*	*3/30/2016*
Brian M. Ashe	*2nd Hampden*	*3/31/2016*
Kay Khan	*11th Middlesex*	*3/31/2016*
Kenneth I. Gordon	*21st Middlesex*	*3/31/2016*
James B. Eldridge	*Middlesex and Worcester*	*3/31/2016*
Mark C. Montigny	*Second Bristol and Plymouth*	*3/31/2016*
Marjorie C. Decker	*25th Middlesex*	*3/31/2016*
Chris Walsh	*6th Middlesex*	*4/1/2016*
Timothy J. Toomey, Jr.	*26th Middlesex*	*4/1/2016*

Denise Provost	*27th Middlesex*	*4/5/2016*
Harriette L. Chandler	*First Worcester*	*4/11/2016*

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2277) (subject to Joint Rule 12) of Patricia D. Jehlen, Paul R. Heroux, Paul J. Donato, Mathew Muratore and other members of the General Court for legislation relative to protecting elders and persons with disabilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act protecting elders and persons with disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 18(a) of chapter 19A of the General Laws, as appearing in the 2014 official edition, is hereby amended by inserting after the fifth paragraph the following new paragraphs:-

"If the district attorney initiates criminal proceedings, the individual charged shall be prohibited from any further contact with the elder, and shall not provide direct caregiving services to any other elder individual until the adjudicatory process is completed.

If an individual is charged with a crime arising out of a report of abuse under section 15 and pleads guilty, pleads no lo contendere, or is found guilty of that charge or if the case arising out of the report of abuse is continued without a finding, that individual shall not be hired by any facility, home health agency or homemaker agency in a direct service or supervisory capacity nor shall they offer their services, whether publicly or privately funded, as a caregiver or in any other

12 direct service capacity to persons with physical, intellectual or developmental disabilities,
13 children, persons with a mental illness or elderly persons. Any individual in violation of this
14 section shall be subject to a fine of not more than five thousand dollars."

15 SECTION 2. Section 72J of chapter 111 of the General Laws, as so appearing, is hereby
16 amended by inserting after the word "homemaker", in line 45, the following:-

17 "Upon making a determination of serious abuse under section 18(a) of chapter 19A, the
18 department shall suspend the right of such individual to work as a nurse aide, home health aide
19 or homemaker. If the individual is charged with a crime arising out of a report of abuse under
20 section 15 of chapter 19A and pleads guilty, pleads no lo contendere, or is found guilty of that
21 charge or if the case arising out of the report of abuse is continued without a finding, the
22 department shall permanently suspend the right of such individual to work as a nurse aide, home
23 health aide or homemaker."