

HOUSE No. 1125

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:	DATE ADDED:
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/17/2017</i>

HOUSE No. 1125

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 1125) of Bruce J. Ayers 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1882 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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.

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

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