

HOUSE No. 4635

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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 relative to long term care facility and elder housing COVID-19 reporting.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|-----------------------|-----------------|
| <i>Ruth B. Balser</i> | <i>12th Middlesex</i> | <i>4/7/2020</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>4/8/2020</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>4/9/2020</i> |

HOUSE No. 4635

By Ms. Balsler of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balsler, Mindy Domb and Nika C. Elugardo relative to the reporting of COVID-19 positive cases and mortalities in long term care facilities and elder housing. Elder Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to long term care facility and elder housing COVID-19 reporting.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the health and wellness of the residents of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the 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. (a) As used in this section the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:-

3 “Assisted living residence”, any entity, however organized, whether conducted for profit
4 or not for profit, which meets all of the following criteria:

5 1. provides room and board;

6 2. provides, directly by employees of the entity or through arrangements with another
7 organization which the entity may or may not control or own, assistance with activities of daily
8 living for three or more adult residents who are not related by consanguinity or affinity to their
9 care provider; and

10 3. collects payments or third party reimbursements from or on behalf of residents to pay
11 for the provision of assistance with the activities of daily living or arranges for the same.

12 “Elderly housing facilities”, any residential premises available for lease by elderly or
13 disabled individuals which is financed or subsidized in whole or in part by state or federal
14 housing programs established primarily to furnish housing rather than housing and personal
15 services, as set forth in a listing established by the secretary of elder affairs, and which was never
16 licensed under chapter one hundred and eleven.

17 “Long term care facilities”, the Soldiers’ Home in Massachusetts, the Soldiers’ Home in
18 Holyoke or a convalescent home, a nursing home, a skilled nursing facility, a rest home or a
19 charitable home for the aged licensed under the provisions of section 71 of chapter 111 of the
20 General Laws.

21 (b) Notwithstanding any general or special law to the contrary, assisted living residences,
22 elderly housing facilities and long-term care facilities shall report daily to the local department of
23 health in the municipality where said assisted living residences, elderly housing facilities or long-
24 term care facilities are located or to the Massachusetts department of public health the number of
25 known COVID-19 positive cases and mortalities in the facility.

26 (c) The department of public health shall report weekly the number of COVID-19
27 positive cases and mortalities at assisted living residences, elderly housing facilities and long-
28 term care facilities to the house and senate committees on ways and means. The department shall
29 also report demographic data of COVID-19 positive cases and mortalities including race, age,
30 and sex of cases and mortalities in aggregate form.