

HOUSE No. 4663

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 21, 2020.

The committee on Elder Affairs to whom was referred the petition (accompanied by bill, House, No. 4635) of Ruth B. Balser and Mindy Domb relative to the reporting of COVID-19 positive cases and mortalities in long term care facilities and elder housing, reports recommending that the accompanying bill (House, No. 4663) ought to pass.

For the committee,

RUTH B. BALSER.

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**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 Chelsea, 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
25 of known COVID-19 positive cases and mortalities among residents and staff at the facility. The
26 report shall distinguish between residents and staff. The Massachusetts department of public
27 health shall make this data publicly available on its website and update it daily. The department
28 shall, at a minimum, identify each assisted living residence, elderly housing facility and long-
29 term care facility by name, and provide the number of known COVID-19 positive cases and
30 mortalities among residents and staff, at each facility. The department shall distinguish between
31 resident and staff cases and mortalities.

32 (c) Each assisted living residence, elderly housing facility and long-term care facility
33 shall report daily to residents' families, guardians and legally authorized representatives (as per
34 state law) the number of known COVID-19 positive cases and mortalities among its own
35 residents and staff. The report shall distinguish between resident and staff cases and mortalities.

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