

**HOUSE . . . . . No. 117**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sean Garballey***

*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 updating terminology and investigative practices related to the protection of persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/16/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/23/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/23/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/23/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/23/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/24/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/26/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/27/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/28/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/28/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/29/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/29/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/29/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>

<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/29/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/29/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/29/2019</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/29/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/30/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/30/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/30/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/30/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/30/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/30/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/30/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/30/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/30/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/30/2019</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>1/30/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/31/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/31/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2019</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>1/31/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/31/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/31/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/31/2019</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/31/2019</i>

<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/31/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/1/2019</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/1/2019</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/1/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/1/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/1/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 117**

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By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 117) of Sean Garballey and others relative to updating terminology and investigative practices related to the protection of persons with disabilities. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

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

An Act updating terminology and investigative practices related to the protection of 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:*

1           SECTION 1. Section 19 of chapter 19B of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out, in lines 126, 139, 280 and 281, 305, 384, 390  
3 and 391, and in lines 394 and 395, the words “disabled persons protection commission” and  
4 inserting in place thereof, in each instance, the following words:- commission for the protection  
5 of persons with disabilities.

6           SECTION 2. Chapter 19C of the General Laws, as appearing in the 2016 Official  
7 Edition, is hereby amended by striking out the title and inserting in place thereof the following  
8 title:- COMMISSION FOR THE PROTECTION OF PERSONS WITH DISABILITIES.

9           SECTION 3. Section 1 of said chapter 19C, as so appearing, is hereby amended by  
10 striking out the definition of “Abuse” and inserting in place thereof the following definition:-

11           “Abuse”, an act or omission of a caretaker which results in serious physical or serious  
12 emotional injury to a person with a disability; provided, however, that no person shall be  
13 considered to be abused for the sole reason that such person is being furnished or relies upon  
14 treatment in accordance with the tenets and teachings of a church or religious denomination by a  
15 duly accredited practitioner thereof. Abuse per se is such act or omission of a caretaker which  
16 based upon its circumstances is determined by the Commission to be in and of itself abusive,  
17 regardless of the presence of a serious physical or serious emotional injury.

18           SECTION 4. Said section 1 of said chapter 19C, as so appearing, is hereby further  
19 amended by striking out the definition of “Caretaker” and inserting in place thereof the following  
20 definition:-

21           “Caretaker”, a parent, guardian, or other person or agency responsible for the person with  
22 a disability’s health or welfare, whether in the same home as the person with a disability, a  
23 relative’s home, a foster home or any other location where the caretaker renders assistance.

24           SECTION 5. Said section 1 of said chapter 19C, as so appearing, is hereby further  
25 amended by striking out, in line 13, the words “disabled persons protection commission” and  
26 inserting in place thereof the following words:- commission for the protection of persons with  
27 disabilities.

28           SECTION 6. Said section 1 of said chapter 19C, as so appearing, is hereby further  
29 amended by striking out the definitions of “Disabled person”, “General counsel”, “Mandated  
30 reporter”, “Recommendations”, “Reportable condition” and “State agency”, and inserting in  
31 place thereof the following 5 definitions:-

32           “Mandated reporter”, any physician, medical intern, hospital personnel engaged in the  
33 examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse,  
34 chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator,  
35 guidance or family counselor, day care worker, probation officer, social worker, foster parent,  
36 veterans’ service officer, police officer, animal control officer, firefighter, paramedic, emergency  
37 medical technician, person employed by a state agency as defined by this chapter, or person  
38 employed to provide assistance with activities of daily living to a person with a disability, who in  
39 his or her professional capacity shall have reasonable cause to believe that a person with a  
40 disability is suffering from a reportable condition.

41           “Person with a disability”, a person between the ages of eighteen to fifty-nine, inclusive,  
42 who is a person with an intellectual or developmental disability as defined by section 1 of  
43 chapter 123B or who is otherwise mentally or physically disabled and as a result of that mental  
44 or physical disability is wholly or partially dependent on others to meet that person’s daily living  
45 needs; provided however, that the term “person with a disability” shall replace the term “disabled  
46 person” without changing the meaning.

47           “Recommendations”, a statement or statements contained in an investigation report  
48 prepared pursuant to this chapter which set forth specific action or actions intended by the  
49 investigator to protect the particular person with a disability or persons who are the subject or  
50 subjects of the report from abuse or risk of abuse and which responds to the specific protective  
51 needs of said person with a disability or persons or groups of persons with a disability similarly  
52 situated.

53           “Reportable condition”, a serious physical or serious emotional injury sustained by a  
54 person with a disability and for which there is reasonable cause to believe resulted from abuse, or  
55 reasonable cause to believe that abuse per se exists.

56           “State agency”, any agency of the commonwealth that provides services or treatment to  
57 persons with a disability including a private entity providing such services or treatment pursuant  
58 to a contract, license or agreement with an agency of the commonwealth.

59           SECTION 7. Section 2 of said chapter 19C, as so appearing, is hereby amended by  
60 striking out the title and inserting in place thereof, the following title:- Establishment of the  
61 commission for the protection of persons with disabilities; membership; terms; compensation;  
62 annual report.

63           SECTION 8. Said section 2 of said chapter 19C, as so appearing, is hereby further  
64 amended by striking out, in line 2, the first time it appears, the words “disabled persons” and  
65 inserting in place thereof the following words:- persons with a disability.

66           SECTION 9. Said section 2 of said chapter 19C, as so appearing, is hereby further  
67 amended by striking out, in lines 2 and 3, the words “disabled persons protection commission”  
68 and inserting in place thereof the following words:- commission for the protection of persons  
69 with disabilities.

70           SECTION 10. Said section 2 of said chapter 19C, as so appearing, is hereby further  
71 amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof  
72 the following words:- persons with a disability.

73 SECTION 11. Said section 2 of said chapter 19C, as so appearing, is hereby further  
74 amended by striking out, in lines 6 and 7, the words “one of whom he shall designate as  
75 chairman” and inserting in place thereof the following word:- one of whom shall be designated  
76 as chair.

77 SECTION 12. Section 3 of said chapter 19C, as so appearing, is hereby amended by  
78 striking out, in lines 10 through 13, the following sentence, “For the purposes of determining the  
79 standards established under this section, the commission shall confer with the district attorneys  
80 and the attorney general.”

81 SECTION 13. Said section 3 of said chapter 19C, as so appearing, is hereby amended by  
82 striking out, in lines 20 and 21, the words “disabled persons” and inserting in place thereof the  
83 following words:- persons with a disability.

84 SECTION 14. Said section 3 of said chapter 19C, as so appearing, is hereby further  
85 amended by striking out, in line 22, the words “other state”.

86 SECTION 15. Said section 3 of said chapter 19C, as so appearing, is hereby further  
87 amended by inserting, in line 27, after the word “section” the following words:-five or.

88 SECTION 16. Said section 3 of said chapter 19C, as so appearing, is hereby further  
89 amended by striking out, in lines 28 and 29, the words “disabled persons” and inserting in place  
90 thereof the following words:- persons with a disability.

91 SECTION 17. Said section 3 of said chapter 19C, as so appearing, is hereby further  
92 amended by inserting in line 32, after the words “sixty-six A” the following:- . Except as  
93 otherwise provided in this chapter, all records containing confidential or personal data which are



94 created, collected, used, maintained or disseminated pursuant to this chapter shall not be public  
95 records;.

96 SECTION 18. Said section 3 of said chapter 19C, as so appearing, is hereby further  
97 amended by striking subsection “(h)” in its entirety.

98 SECTION 19. Said section 3 of said chapter 19C, as so appearing, is hereby further  
99 amended by renumbering subsection “(i)” to the following subsection:- (h).

100 SECTION 20. Said section 3 of said chapter 19C, as so appearing, is hereby further  
101 amended by inserting, in line 39, after the word “initial” the following words:- evaluation or.

102 SECTION 21. Said section 3 of said chapter 19C, as so appearing, is hereby further  
103 amended by striking, in lines 44 through following 48, the following sentence, “The commission  
104 shall promulgate rules and regulations establishing procedures to exclude personally identifiable  
105 information regarding the subjects of investigations and to carry out the responsibilities of this  
106 chapter in such a way as to disclose as little personally identifiable information as possible.” and  
107 inserting in place thereof the following subsection:- (i) the commission shall promulgate rules  
108 and regulations establishing procedures to exclude personally identifiable information regarding  
109 the subjects of investigations and to carry out the responsibilities of this chapter in such a way as  
110 to disclose as little personally identifiable information as possible.

111 SECTION 22. Section 4 of said chapter 19C, as so appearing, is hereby amended by  
112 striking out, in line 1, the words “disabled person” and inserting in place thereof the following  
113 words:- person with a disability, and subject to the commission’s authority to conduct its own  
114 investigation.

115 SECTION 23. Said section 4 of said chapter 19C, as so appearing, is hereby further  
116 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

117 (b) refer immediately any such reports, which allege the occurrence of abuse of a person  
118 with a disability whose caretaker is a state agency, to the agency within the executive office of  
119 health and human services which has jurisdiction over the disability manifested by the person  
120 with a disability. As determined and assigned by the commission, either the commission or said  
121 referral agency, subject to the oversight of the commission, shall investigate such abuse as  
122 provided in section 5. In a case where a commission investigation is being conducted, the referral  
123 agency shall take reasonable steps to avoid unnecessary, unwarranted or counterproductive  
124 duplication between an internal investigation or inquiry by the referral agency and the  
125 commission's investigation, by utilizing the commission's investigation in lieu of an internal  
126 investigation conducted by the referral agency.

127 SECTION 24. Subsection (c) of said section 4 of said chapter 19C, as so appearing, is  
128 hereby further amended by striking out the first paragraph and inserting in place thereof the  
129 following paragraph:-

130 (c) refer immediately any such reports which allege the occurrence of abuse of a person  
131 with a disability whose caretaker is not a state agency, to the agency within the executive office  
132 of health and human services which the commission determines, based on the person's disability,  
133 would most likely provide, license an entity to provide, or contract with or enter into an  
134 agreement to provide services or treatment to the person with a disability. As determined and  
135 assigned by the commission, either the commission or the referral agency, subject to the  
136 oversight of the commission, shall investigate such abuse as provided in section 5.

137 SECTION 25. Said section 4 of said chapter 19C, as so appearing, is hereby further  
138 amended by inserting, after the first paragraph of subsection (c), the following subsection:-

139 (d) refer immediately, in accordance with subsections (b) and (c), for the provision of  
140 protective services, reports which the commission determines present imminent risk of  
141 substantial harm to a person with a disability, regardless of whether any serious injury is alleged.  
142 The commission may oversee the provision of protective services until such time that the  
143 commission determines the risk has been addressed.

144 SECTION 26. Said section 4 of said chapter 19C, as so appearing, is hereby further  
145 amended by striking out, in lines 35 and 36, the words “disabled person where the screener” and  
146 inserting in place thereof the following words:- person with a disability where the commission  
147 staff.

148 SECTION 27. Said section 4 of said chapter 19C, as so appearing, is hereby further  
149 amended by striking out, in line 38, the word “screener” and inserting in place thereof the  
150 following words:- commission staff.

151 SECTION 28. Said section 4 of said chapter 19C, as so appearing, is hereby further  
152 amended by striking out, in line 39 and 40, 41, and 42, the words “evaluation and investigation”  
153 and inserting in place thereof the following words:- evaluation or investigation.

154 SECTION 29. Said section 4 of said chapter 19C, as so appearing, is hereby further  
155 amended by striking out, in lines 41 through 43 the words, “shall report the results of such  
156 evaluation and investigation to the commissioners who shall,” and inserting in place thereof the  
157 following word: and.

158 SECTION 30. Said section 4 of said chapter 19C, as so appearing, is hereby further  
159 amended by inserting, in line 46, the after the word “initial” the following words:- evaluation or.

160 SECTION 31. Said section 4 of said chapter 19C, as so appearing, is hereby further  
161 amended by striking, in lines 56 and 57, the words “clients of state agencies or of contract  
162 providers” and inserting in place thereof the following words:- persons with a disability.

163 SECTION 32. Said section 4 of said chapter 19C, as so appearing, is hereby further  
164 amended by striking out, in line 58, the words “ commission’s or department’s” .

165 SECTION 33. Said section 4 of said chapter 19C, as so appearing, is hereby further  
166 amended by inserting, in line 59, after the word “investigation” the following words:-by the  
167 commission or referral agency.

168 SECTION 34. Section 5 of said chapter 19C, as so appearing, is hereby amended by  
169 striking out, in line 1, the words “disabled person” and inserting in place thereof the following  
170 words:- person with a disability.

171 SECTION 35. Said section 5 of said chapter 19C, as so appearing, is hereby further  
172 amended by inserting after the word “designated”, in line 2, the following words:- and assigned.

173 SECTION 36. Said section 5 of said chapter 19C, as so appearing, is hereby further  
174 amended by striking out, in lines 2 to 4, inclusive, the words “ , the general counsel, or a  
175 department within the executive office of health and human services”.

176 SECTION 37. Said section 5 of said chapter 19C, as so appearing, is hereby further  
177 amended by striking out, in lines 7 and 8, the words “counsel or department of mental health or  
178 department of public health” and inserting in place thereof the following words:- department of

179 mental health, department of developmental services or the Massachusetts rehabilitation  
180 commission.

181 SECTION 38. Said section 5 of said chapter 19C, as so appearing, is hereby further  
182 amended by striking out, in line 9, the words “disabled person’s health or safety” and inserting in  
183 place thereof the following words:- health or safety of a person with a disability.

184 SECTION 39. Said section 5 of said chapter 19C, as so appearing, is hereby further  
185 amended by striking out, in line 12, the words “the disabled person’s residence and day program,  
186 if any” and inserting in place thereof the following words:- any sites relevant to the alleged  
187 abuse, which may include, but not be limited to, the residence and day program of the person  
188 with a disability.

189 SECTION 40. Said section 5 of said chapter 19C, as so appearing, is hereby further  
190 amended by striking out, in line 13, the words “disabled person” and inserting in place thereof  
191 the following words:- person with a disability.

192 SECTION 41. Said section 5 of said chapter 19C, as so appearing, is hereby further  
193 amended by striking out, in lines 17 to 19, inclusive, the words “to the general counsel and to the  
194 department of mental health and the department of public health” and inserting in place thereof  
195 the following words:- and to the department of mental health, department of developmental  
196 services or the Massachusetts rehabilitation commission, as appropriate.

197 SECTION 42. Said section 5 of said chapter 19C, as so appearing, is hereby further  
198 amended by inserting, in line 22, after the word “ten” the following words:- or the employer of  
199 said mandated reporter.

200 SECTION 43. Said section 5 of said chapter 19C, as so appearing, is hereby further  
201 amended by inserting , in line 24, after the word “agency” the following words:- it designates for  
202 investigation.

203 SECTION 44. Said section 5 of said chapter 19C, as so appearing, is hereby further  
204 amended by striking, in line 30, the word “neither” and inserting in place thereof the following  
205 word:- not.

206 SECTION 45. Said section 5 of said chapter 19C, as so appearing, is hereby further  
207 amended by striking out, in lines 31 through 33, the following words, “nor prevent the admission  
208 of such documents in any civil or disciplinary proceeding arising out of the alleged abuse or  
209 neglect of the disabled person”.

210 SECTION 46. Said section 5 of said chapter 19C, as so appearing, is hereby further  
211 amended by striking out, in lines 43 and 44, the words “the facility named in the report, if any,”  
212 and inserting in place thereof the following words:- any sites relevant to the report.

213 SECTION 47. Said section 5 of said chapter 19C, as so appearing, is hereby further  
214 amended by striking out, in line 45, the words “in the same facility”.

215 SECTION 48. Said section 5 of said chapter 19C, as so appearing, is hereby further  
216 amended by striking out, in lines 46 and 47, the words “the general counsel, the department of  
217 mental health and the department of public health” and inserting in place thereof the following  
218 words:- and to the department of mental health, department of developmental services or the  
219 Massachusetts rehabilitation commission, as appropriate,.

220 SECTION 49. Said section 5 of said chapter 19C, as so appearing, is hereby further  
221 amended by striking out, in line 50, the words “disabled person” and inserting in place thereof  
222 the following words:- person with a disability.

223 SECTION 50. Said section 5 of said chapter 19C, as so appearing, is hereby further  
224 amended by striking out, in line 52, the words “, the general counsel, the attorney general”.

225 SECTION 51. Said section 5 of said chapter 19C, as so appearing, is hereby further  
226 amended by striking out, in line 54, the word “six” and inserting in place thereof the following  
227 word:- three.

228 SECTION 52. Said section 5 of said chapter 19C, as so appearing, is hereby further  
229 amended by striking out, in lines 56 and 58, the word “misconduct” and inserting in place  
230 thereof, in each instance, the following word:- abuse.

231 SECTION 53. Said section 5 of said chapter 19C, as so appearing, is hereby further  
232 amended by striking out, in line 60, the words “prior to the issuance of said report”.

233 SECTION 54. Said section 5 of said chapter 19C, as so appearing, is hereby further  
234 amended by striking out, in line 61, the word “misconduct” and inserting in place thereof the  
235 following word:- abuse.

236 SECTION 55. Said section 5 of said chapter 19C, as so appearing, is hereby further  
237 amended by striking out, in line 63, the words “disabled person” and inserting in place thereof  
238 the following words:- person with a disability.

239 SECTION 56. Said section 5 of said chapter 19C, as so appearing, is hereby further  
240 amended by inserting, in line 67, after the word “contrary,” the following words:- may refer any

241 matters for which there is reason to believe that a violation of any statute, regulation, or rule has  
242 occurred to the appropriate agency of the commonwealth that has jurisdiction over the violation.  
243 In addition, the commission, notwithstanding any provisions of chapter sixty-six A regarding  
244 personal data to the contrary,”.

245 SECTION 57. Said section 5 of said chapter 19C, as so appearing, is hereby further  
246 amended by striking out, in lines 73, 75, 77 and 78, the words “disabled person” and inserting in  
247 place thereof, in each instance, the following words:- person with a disability.

248 SECTION 58. Said section 5 of said chapter 19C, as so appearing, is hereby further  
249 amended by striking out, in line 77, the word “or” as third appearing.

250 SECTION 59. Said section 5 of said chapter 19C, as so appearing, is hereby further  
251 amended by inserting, in line 79, after the word “caretaker” the following words:- ; or (d) another  
252 criminal offense has occurred which has caused harm to a person with a disability.

253 SECTION 60. Section 6 of said chapter 19C, as so appearing, is hereby amended by  
254 striking out the first paragraph and inserting in place thereof the following paragraph:-

255 The commission, acting through agencies within the executive office of health and  
256 human services designated by the commission for the purpose of providing protective services,  
257 as necessary to prevent further abuse in cases investigated pursuant to this chapter and subject to  
258 the oversight of the commission, shall:-

259 SECTION 61. Said section 6 of said chapter 19C, as so appearing, is hereby further  
260 amended by striking out, in lines 10 and 15, the words “disabled person” and inserting in place  
261 thereof, in each instance, the following words:- person with a disability.



262 SECTION 62. Section 7 of said chapter 19C, as so appearing, is hereby amended by  
263 striking out, in lines 1 and 2, the words “the general counsel, the department of mental health or  
264 the department of public health,” and inserting in place thereof the following words:- the  
265 department of mental health, the department of developmental services or the Massachusetts  
266 rehabilitation commission.

267 SECTION 63. Said section 7 of said chapter 19C, as so appearing, is hereby further  
268 amended by striking out, in line 4, the words “disabled person” and inserting in place thereof the  
269 following words:- person with a disability.

270 SECTION 64. Said section 7 of said chapter 19C, as so appearing, is hereby further  
271 amended by striking out, in lines 5 and 6, the words “, counsel or department” and inserting in  
272 place thereof the following words:- or agency.

273 SECTION 65. Said section 7 of said chapter 19C, as so appearing, is hereby further  
274 amended by striking out, in lines 6 and 7, the words “disabled person” and inserting in place  
275 thereof the following words:- person with a disability.

276 SECTION 66. Said section 7 of said chapter 19C, as so appearing, is hereby further  
277 amended by striking out, in line 9, the words “, counsel or department” and inserting in place  
278 thereof the following words:- or agency.

279 SECTION 67. Said section 7 of said chapter 19C, as so appearing, is hereby further  
280 amended by striking out, in lines 12, 13, 16, 17 and 18, the words “disabled person” and  
281 inserting in place thereof, in each instance, the following words:- person with a disability.

282 SECTION 68. Said section 7 of said chapter 19C, as so appearing, is hereby further  
283 amended by inserting, in line 20, after the word “guardian” the following words:- or guardian.

284 SECTION 69. Said section 7 of said chapter 19C, as so appearing, is hereby further  
285 amended by striking out, in lines 20 and 21, and 22, the words “disabled person” and inserting in  
286 place thereof, in each instance, the following words:- person with a disability.

287 SECTION 70. Said section 7 of said chapter 19C, as so appearing, is hereby further  
288 amended by striking out, in line 29, the words “disabled person” and inserting in place thereof,  
289 the following words:- person with a disability.

290 SECTION 71. Said section 7 of said chapter 19C, as so appearing, is hereby further  
291 amended by striking out, in lines 33 and 34, the words “, counsel or department” and inserting in  
292 place thereof the following words:- or agency.

293 SECTION 72. Said section 7 of said chapter 19C, as so appearing, is hereby further  
294 amended by striking out, in line 35, the words “disabled person” and inserting in place thereof  
295 the following words:- person with a disability.

296 SECTION 73. Said section 7 of said chapter 19C, as so appearing, is hereby further  
297 amended by striking out, in line 37, the words “, counsel or department” and inserting in place  
298 thereof the following words:- or agency.

299 SECTION 74. Said section 7 of said chapter 19C, as so appearing, is hereby further  
300 amended by striking out, in lines 39 and 40, 46, 47 and 48, 59 and 61, the words “disabled  
301 person” and inserting in place thereof, in each instance, the following words:- person with a  
302 disability.

303 SECTION 75. Said section 7 of said chapter 19C, as so appearing, is hereby further  
304 amended by striking out, in line 62, the words “, counsel or department” and inserting in place  
305 thereof the following words:- or agency.

306 SECTION 76. Said section 7 of said chapter 19C, as so appearing, is hereby further  
307 amended by striking out, in lines 65, 67 and 68, the words “disabled person” and inserting in  
308 place thereof, in each instance, the following words:- person with a disability.

309 SECTION 77. Section 8 of said chapter 19C, as so appearing, is hereby amended by  
310 striking out, in the title, the words “disabled person” and inserting in place thereof the following  
311 words:- persons with a disability.

312 SECTION 78. Said section 8 of said chapter 19C, as so appearing, is hereby amended by  
313 striking out, in line 2, the words “disabled person” and inserting in place thereof the following  
314 words:- person with a disability.

315 SECTION 79. Said section 8 of said chapter 19C, as so appearing, is hereby further  
316 amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof  
317 the following words:- persons with a disability.

318 SECTION 80. Section 9 of said chapter 19C, as so appearing, is hereby amended by  
319 striking out subsection (d), and inserting in place thereof the following subsection:-

320 (d) refer any matters for which there is reason to believe that abuse has occurred by a  
321 state agency or its employee, to the agency of the commonwealth contracting with or licensing  
322 such party for termination of such contract or license or for such other action as may be deemed  
323 appropriate by such agency of the commonwealth.

324 SECTION 81. Section 10 of said chapter 19C, as so appearing, is hereby amended by  
325 striking out, in lines 4 and 5, the words “and shall report in writing within forty-eight hours after  
326 such oral report”.

327 SECTION 82. Said section 10 of said chapter 19C, as so appearing, is hereby further  
328 amended by striking out, in line 7, the words “disabled person” and inserting in place thereof the  
329 following words:- person with a disability.

330 SECTION 83. Said section 10 of said chapter 19C, as so appearing, is hereby further  
331 amended by striking out, in line 10, the word “six” and inserting in place thereof the following  
332 word:- three.

333 SECTION 84. Said section 10 of said chapter 19C, as so appearing, is hereby further  
334 amended by inserting, in line 12, after the word “file” the following word:- a.

335 SECTION 85. Said section 10 of said chapter 19C, as so appearing, is hereby further  
336 amended by striking out, in lines 13 and 19, the words “disabled person” and inserting in place  
337 thereof, in each instance, the following words:- person with a disability.

338 SECTION 86. Said section 10 of said chapter 19C, as so appearing, is hereby further  
339 amended by striking, in lines 26 and 27, the words “in any civil action arising out of a report  
340 made pursuant to this chapter” and inserting in place thereof, the following words:- participation  
341 in an investigation conducted pursuant to this chapter.

342 SECTION 87. Said section 10 of said chapter 19C, as so appearing, is hereby further  
343 amended by striking out, in line 29, the words “disabled person” and inserting in place thereof,  
344 the following words:- person with a disability.

345 SECTION 88. Said section 10 of said chapter 19C, as so appearing, is hereby further  
346 amended by striking out, in lines 32 and 33, the words “oral and written reports” and inserting in  
347 place thereof, the following words:- a report.

348 SECTION 89. Section 11 of said chapter 19C, as so appearing, is hereby amended by  
349 striking out, in line 6, the words “, the general counsel or”.

350 SECTION 90. Said section 11 of said chapter 19C, as so appearing, is hereby further  
351 amended by striking out, in line 9, the words “disabled person” and inserting in place thereof the  
352 following words:- person with a disability.

353 SECTION 91. Said section 11 of said chapter 19C, as so appearing, is hereby further  
354 amended by inserting, in line 33, after the word “writing.” the following sentence:- The  
355 commission may investigate any allegation under this section pursuant to section 5 or 9.

356 SECTION 92. Section 12 of said chapter 19C, as so appearing, is hereby amended by  
357 striking out, in lines 10 and 11, the words “, in consultation with the secretary of health and  
358 human services,”.

359 SECTION 93. Said section 12 of said chapter 19C, as so appearing, is hereby further  
360 amended by striking out, in line 11, the word “formal”.

361 SECTION 94. Said section 12 of said chapter 19C, as so appearing, is hereby further  
362 amended by striking out, in lines 12 and 13, the words “, in consultation with the secretary of  
363 health and human services,”.

364 SECTION 95. Said section 12 of said chapter 19C, as so appearing, is hereby further  
365 amended by striking out, in line 13, the words “a formal” and inserting in place thereof the  
366 word:- an.

367 SECTION 96. Section 13 of said chapter 19C, as so appearing, is hereby amended by  
368 striking out, in the title, the words “disabled person” and inserting in place thereof the following  
369 words:- person with a disability.

370 SECTION 97. Said section 13 of said chapter 19C, as so appearing, is hereby further  
371 amended by striking out, in line 1, the words “disabled person” and inserting in place thereof the  
372 following words:- person with a disability.

373 SECTION 98. Said section 13 of chapter 19C, as so appearing, is hereby further amended  
374 by striking out, in line 6, the word “a” and inserting in place thereof the following word:- any.

375 SECTION 99. Said section 13 of said chapter 19C, as so appearing, is hereby further  
376 amended by striking out, in line 8, the words “disabled person” and inserting in place thereof the  
377 following words:- person with a disability.

378 SECTION 100. Section 220 of chapter 111 of the General Laws, as so appearing, is  
379 hereby amended by striking out, in lines 20 to 21, the words “disabled persons protection  
380 commission” and inserting in place thereof the following words:- commission for the protection  
381 of persons with disabilities.