

**SENATE . . . . . No. 1302**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mark C. Montigny***

*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 ensuring access to a resident representative in long-term care facilities.

PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

**SENATE . . . . . No. 1302**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1302) of Mark C. Montigny for legislation to ensure access to a resident representative in long-term care facilities. Public Health.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act ensuring access to a resident representative in long-term care facilities.

*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. Notwithstanding any special or general law to the contrary, the department  
2 of public health shall promulgate regulations to define “resident representative” in accordance  
3 with federal law for purposes of providing standards and licensure requirements for long-term  
4 care facilities under chapter 111. The department shall require each licensed long-term care  
5 facility to notify each resident verbally and in writing that said resident has the right to choose a  
6 representative and that said representative is permitted to accompany the resident to care plan  
7 meetings and further support said resident in decision-making as it pertains to their care. The  
8 term “resident representative” shall include, but not be limited to, the following:

9           (1) An individual chosen by the resident to act on behalf of the resident in order to  
10 support the resident in decision-making; access medical, social or other personal information of  
11 the resident; manage financial matters; or receive notifications;

12           (2) A person authorized by state or federal law (including but not limited to agents under  
13 power of attorney, representative payees, and other fiduciaries) to act on behalf of the resident in  
14 order to support the resident in decision-making; access medical, social or other personal  
15 information of the resident; manage financial matters; or receive notifications;

16           (3) Legal representative, as used in section 712 of the Older Americans Act; or.

17           (4) The court-appointed guardian or conservator of a resident.

18           Nothing in this Act shall expand the scope of authority of any resident representative  
19 beyond that authority specifically authorized by the resident, federal law, or a court of competent  
20 jurisdiction.