

HOUSE No. 218

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>2/11/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/23/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/23/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/23/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/23/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/24/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/24/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/24/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/24/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/24/2021</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/25/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/25/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/25/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/25/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/25/2021</i>

<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/25/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/26/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/26/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/26/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/26/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/26/2021</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/26/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/5/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/5/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/5/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/5/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/5/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>3/12/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/12/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/12/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/17/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>3/23/2021</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>3/25/2021</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>3/30/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/30/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/30/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/30/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/1/2021</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>4/13/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/13/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/13/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>4/22/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>5/11/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>5/11/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>5/11/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>5/11/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>5/11/2021</i>

<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>5/11/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>5/11/2021</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>5/11/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>5/11/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>7/26/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>10/25/2021</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>10/25/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>10/25/2021</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>11/9/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>11/9/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>11/9/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>12/10/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>12/10/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>12/14/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>12/16/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>12/27/2021</i>
<i>Jamie Zahlaway Belsito</i>	<i>4th Essex</i>	<i>12/27/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/5/2022</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/5/2022</i>

HOUSE No. 218

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 218) 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 117 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. The fifth paragraph of section 4H of chapter 7 of the General Laws, inserted
2 by section 1 of chapter 19 of the acts of 2020, is hereby amended by striking out, each time they
3 appear, the words “disabled persons protection commission” and inserting in place thereof, in
4 each instance, the following words:- commission for the protection of persons with disabilities.

5 SECTION 2. Section 19 of chapter 19B of the General Laws, as appearing in the 2018
6 Official Edition, is hereby amended by striking out, in lines 126, 139, 280 and 281, 305, 384, 390
7 and 391, each time they appear, and 394 and 395, the words “disabled persons protection
8 commission” and inserting in place thereof, in each instance, the following words:- commission
9 for the protection of persons with disabilities.

10 SECTION 3. Chapter 19C of the General Laws is hereby amended by striking out the
11 title, as so appearing, and inserting in place thereof the following title:- COMMISSION FOR
12 THE PROTECTION OF PERSONS WITH DISABILITIES.

13 SECTION 4. Said chapter 19C is hereby further amended by striking out section 1, as so
14 appearing, and inserting in place thereof the following section:-

15 Section 1. As used in this chapter, the following words shall have the following meanings
16 unless the context requires otherwise:-

17 “Abuse”, an act or omission of a caretaker that results in serious physical or serious
18 emotional injury to a person with a disability; provided, however, that no person shall be
19 considered to be abused for the sole reason that such person is being furnished or relies upon
20 treatment in accordance with the tenets and teachings of a church or religious denomination by a
21 duly accredited practitioner of the church or religious denomination. As used in this chapter, the
22 term abuse includes abuse per se.

23 “Abuse per se”, conduct that, based upon its circumstances, is determined by the
24 commission to be in and of itself abusive, regardless of the manifestation of a serious physical or
25 serious emotional injury.

26 “Caretaker”, a parent, guardian or other person or agency responsible for the health or
27 welfare of a person with a disability, whether in the same home as the person with a disability,
28 the home of a relative, a foster home or any other location where the caretaker renders assistance.

29 “Commission”, the commission for the protection of persons with disabilities established
30 under section 2.

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

40 “Person with a disability”, a person between the ages of 18 to 59, inclusive, who is a
41 person with an intellectual disability or a person with a developmental disability as defined under
42 section 1 of chapter 123B or who is otherwise mentally or physically disabled and, as a result of
43 that mental or physical disability, is wholly or partially dependent on another to meet the
44 person’s daily living needs.

45 “Recommendation”, a statement contained in an investigation report prepared pursuant to
46 this chapter that sets forth specific action intended by the investigator to protect a particular
47 person with a disability or similarly situated persons with disabilities from abuse or risk of abuse
48 and that responds to the specific protective needs of the person with a disability or persons with
49 disabilities.

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

53 “State agency”, an agency of the commonwealth that provides services or treatment to
54 persons with disabilities, including a private entity providing such services or treatment pursuant
55 to a contract, license or agreement with an agency of the commonwealth.

56 SECTION 5. Section 2 of said chapter 19C, as so appearing, is hereby amended by
57 striking out the first sentence and inserting in place thereof the following sentence:- There shall
58 be a commission for the protection of persons with disabilities.

59 SECTION 6. Said section 2 of said chapter 19C, as so appearing, is hereby further
60 amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof
61 the following words:- persons with disabilities.

62 SECTION 7. Said section 2 of said chapter 19C, as so appearing, is hereby further
63 amended by striking out the third sentence and inserting in place thereof the following sentence:-
64 The commission shall consist of 3 members to be appointed by the governor, 1 of whom the
65 governor shall designate as chair.

66 SECTION 8. The first paragraph of section 3 of said chapter 19C, as so appearing, is
67 hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

68 (a) to employ, subject to appropriation, the staff necessary to carry out its duties pursuant
69 to this chapter; provided, however, that the commission shall establish written standards for the
70 position of investigator and shall hire investigators whose education and training qualifies them
71 for the position pursuant to the standards established by the commission; provided further, that
72 the commission shall take the steps necessary to ensure that the conduct of each investigator
73 meets or exceeds the standards; and provided further, that the staff shall serve at the pleasure of
74 the commission and shall not be subject to chapter 31.

75 SECTION 9. Said section 3 of said chapter 19C, as so appearing, is hereby further
76 amended by striking out, in lines 20 and 21, the words “disabled persons” and inserting in place
77 thereof the following words:- persons with disabilities.

78 SECTION 10. Said section 3 of said chapter 19C, as so appearing, is hereby further
79 amended by striking out, in line 22, the words “other state”.

80 SECTION 11. Said section 3 of said chapter 19C, as so appearing, is hereby further
81 amended by striking out, in line 27, the word “nine” and inserting in place thereof the following
82 words:- 5 or section 9.

83 SECTION 12. Said section 3 of said chapter 19C, as so appearing, is hereby further
84 amended by striking out, in lines 28 and 29, the words “disabled persons” and inserting in place
85 thereof the following words:- persons with disabilities.

86 SECTION 13. Said section 3 of said chapter 19C, as so appearing, is hereby further
87 amended by striking out, in lines 31 and 32, the words “the provisions of chapters sixty-six and
88 sixty-six A” and inserting in place thereof the following words:- chapters 66 and 66A; provided,
89 however, that, except as otherwise provided in this chapter, information that is created, collected,
90 used, maintained or disseminated pursuant to this chapter and that is confidential or personally
91 identifiable information pursuant to state or federal law shall not be a public record pursuant to
92 clause Twenty-six of section 7 of chapter 4 or chapter 66.

93 SECTION 14. The first paragraph of said section 3 of said chapter 19C, as so appearing,
94 is hereby amended by striking clauses (h) and (i) and inserting in place thereof the following 2
95 clauses:-

96 (h) to establish within the commission a special investigative unit that shall have sole
97 responsibility for the initial evaluation or investigation of all reports of abuse received by the
98 commission in connection with which there is an allegation of criminal conduct; provided,
99 however, that the colonel of state police shall assign not less than 5 state police officers to the
100 special investigative unit; and

101 (i) to promulgate rules and regulations establishing procedures to exclude personally
102 identifiable information regarding the subjects of investigations and to carry out the
103 responsibilities of this chapter in such a way as to disclose as little personally identifiable
104 information as possible.

105 SECTION 15. Section 4 of said chapter 19C, as so appearing, is hereby amended by
106 striking out, in line 1, the words “disabled person” and inserting in place thereof the following
107 words:- person with a disability, and subject to the commission’s authority to conduct its own
108 investigation.

109 SECTION 16. The first paragraph of said section 4 of said chapter 19C, as so appearing,
110 is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following
111 3 clauses:-

112 (b) refer immediately any such report that alleges the occurrence of abuse of a person
113 with a disability whose caretaker is a state agency to the state agency within the executive office
114 of health and human services that is the primary service providing agency for the disability
115 manifested by the person with a disability; provided, however, that as assigned by the
116 commission, the commission or the referral agency subject to the oversight of the commission
117 shall investigate the abuse as provided in section 5; and provided further, that, if a commission

118 investigation is being conducted, the referral agency shall take reasonable steps to avoid
119 unnecessary, unwarranted or counterproductive duplication of the commission's investigation
120 through an internal investigation or inquiry by the referral agency and shall, when there is
121 duplication, utilize the commission's investigation in lieu of an internal investigation or inquiry.

122 (c) refer immediately any such report that alleges the occurrence of abuse of a person
123 with a disability whose caretaker is not a state agency to the agency within the executive office
124 of health and human services that the commission determines, based on the person's reported
125 disability, would most likely provide, license an entity to provide or contract with or enter into an
126 agreement to provide services or treatment to the person with a disability; provided, however,
127 that, as assigned by the commission, the commission or the assigned referral agency subject to
128 the oversight of the commission shall investigate such abuse as provided in section 5.

129 (d) in accordance with subsections (b) and (c), refer immediately reports that the
130 commission determines present imminent risk of substantial harm to a person with a disability,
131 regardless of whether any serious injury is alleged, for the provision of protective services;
132 provided, however, that the commission may oversee the provision of protective services until
133 such time that the commission determines the risk has been addressed.

134 SECTION 17. Said section 4 of said chapter 19C, as so appearing, is hereby further
135 amended by striking out, in lines 35 and 36, the words "disabled person where the screener" and
136 inserting in place thereof the following words:- person with a disability where the commission
137 staff.

138 SECTION 18. Said section 4 of said chapter 19C, as so appearing, is hereby further
139 amended by striking out, in line 38, the word “screener” and inserting in place thereof the
140 following words:- commission staff.

141 SECTION 19. Said section 4 of said chapter 19C, as so appearing, is hereby further
142 amended by striking out, in line 40, the first time it appears, the word “and” and inserting in
143 place thereof the following word:- or.

144 SECTION 20. Said section 4 of said chapter 19C, as so appearing, is hereby further
145 amended by striking out, in lines 40 to 42, inclusive, the words “and, upon completion of such
146 evaluation and investigation, shall report the results of such evaluation and investigation to the
147 commissioners who” and inserting in place thereof the following word: . Upon completion of
148 such evaluation or investigation, the special investigative unit shall report the results of such
149 evaluation or investigation to the commission that.

150 SECTION 21. Said section 4 of said chapter 19C, as so appearing, is hereby further
151 amended by inserting after the word “initial,” in line 46, the following words:- evaluation or.

152 SECTION 22. Said section 4 of said chapter 19C, as so appearing, is hereby further
153 amended by striking out, in lines 56 and 57, the words “clients of state agencies or of contract
154 providers” and inserting in place thereof the following words:- persons with disabilities.

155 SECTION 23. Said section 4 of said chapter 19C, as so appearing, is hereby further
156 amended by striking out, in line 58, the words “commission’s or department’s”.

157 SECTION 24. Said section 4 of said chapter 19C, as so appearing, is hereby further
158 amended by inserting after the word “investigation”, in lines 58 and 59, the following words:- by
159 the commission or referral agency.

160 SECTION 25. Section 5 of said chapter 19C, as so appearing, is hereby amended by
161 striking out, in lines 1, 13, 50, 63, 73 and 75, the words “disabled person” and inserting in place
162 thereof, in each instance, the following words:- person with a disability.

163 SECTION 26. Said section 5 of said chapter 19C, as so appearing, is hereby further
164 amended by inserting after the word “designated”, in line 2, the following words:- and assigned.

165 SECTION 27. Said section 5 of said chapter 19C, as so appearing, is hereby further
166 amended by striking out, in lines 2 to 4, inclusive, the words “, the general counsel, or a
167 department within the executive office of health and human services”.

168 SECTION 28. Said section 5 of said chapter 19C, as so appearing, is hereby further
169 amended by striking out, in lines 7 and 8, the words “counsel or department of mental health or
170 department of public health” and inserting in place thereof the following words:- department of
171 mental health, department of developmental services or the Massachusetts rehabilitation
172 commission.

173 SECTION 29. Said section 5 of said chapter 19C, as so appearing, is hereby further
174 amended by striking out, in line 9, the words “disabled person’s health or safety” and inserting in
175 place thereof the following words:- health or safety of a person with a disability.

176 SECTION 30. Said section 5 of said chapter 19C, as so appearing, is hereby further
177 amended by striking out, in line 12, the words “the disabled person’s residence and day program,

178 if any” and inserting in place thereof the following words:- any sites relevant to the alleged
179 abuse, which may include, but shall not be limited to, the residence and day program of the
180 person with a disability.

181 SECTION 31. Said section 5 of chapter 19C, as so appearing, is hereby further amended
182 by inserting, in line 14, after the word “injuries” the following words:- or abuse per se.

183 SECTION 32. Said section 5 of said chapter 19C, as so appearing, is hereby further
184 amended by striking out, in lines 17 to 19, inclusive, the words “, to the general counsel and to
185 the department of mental health and the department of public health” and inserting in place
186 thereof the following words:- and to the department of mental health, the department of
187 developmental services or the Massachusetts rehabilitation commission, as appropriate.

188 SECTION 33. Said section 5 of said chapter 19C, as so appearing, is hereby further
189 amended by striking out, in line 22, the word “ten” and inserting in place thereof the following
190 words:- 10, or the employer of the mandated reporter.

191 SECTION 34. Said section 5 of said chapter 19C, as so appearing, is hereby further
192 amended by inserting after the word “the”, in line 24, the first time it appears, the following
193 word:- assigned.

194 SECTION 35. Said section 5 of said chapter 19C, as so appearing, is hereby further
195 amended by striking out, in line 30, the word “neither” and inserting in place thereof the
196 following word:- not.

197 SECTION 36. Said section 5 of said chapter 19C, as so appearing, is hereby further
198 amended by striking out, in lines 31 to 33, inclusive, the words, “nor prevent the admission of

199 such documents in any civil or disciplinary proceeding arising out of the alleged abuse or neglect
200 of the disabled person”.

201 SECTION 37. Said section 5 of said chapter 19C, as so appearing, is hereby further
202 amended by striking out, in lines 43 and 44, the words “the facility named in the report, if any,”
203 and inserting in place thereof the following words:- any sites relevant to the report.

204 SECTION 38. Said section 5 of said chapter 19C, as so appearing, is hereby further
205 amended by striking out, in line 45, the words “in the same facility”.

206 SECTION 39. Said section 5 of said chapter 19C, as so appearing, is hereby further
207 amended by striking out, in lines 46 and 47, the words “, the general counsel, the department of
208 mental health and the department of public health within” and inserting in place thereof the
209 following words:- and to the department of mental health, the department of developmental
210 services or the Massachusetts rehabilitation commission, as appropriate, within.

211 SECTION 40. Said section 5 of said chapter 19C, as so appearing, is hereby further
212 amended by striking out, in line 52, the words “, the general counsel, the attorney general”.

213 SECTION 41. Said section 5 of said chapter 19C, as so appearing, is hereby further
214 amended by striking out, in line 54, the words “six of chapter thirty-eight” and inserting in place
215 thereof the following words:- 3 of chapter 38.

216 SECTION 42. Said section 5 of said chapter 19C, as so appearing, is hereby further
217 amended by striking out, in line 55, the word “ten” and inserting in place thereof the following
218 words:- 10 business.

219 SECTION 43. Said section 5 of said chapter 19C, as so appearing, is hereby further
220 amended by striking out, in lines 56, 58 and 61, the word “misconduct” and inserting in place
221 thereof, in each instance, the following word:- abuse.

222 SECTION 44. Said section 5 of said chapter 19C, as so appearing, is hereby further
223 amended by striking out, in line 60, the words “prior to the issuance of said report”.

224 SECTION 45. Said section 5 of said chapter 19C, as so appearing, is hereby further
225 amended by striking out, in line 67, the word “shall” and inserting in place thereof the following
226 words:- may refer any matters for which there is reason to believe that a violation of any statute,
227 regulation or rule has occurred to the agency of the commonwealth that has jurisdiction over the
228 alleged violation. In addition, the commission, notwithstanding any provisions of chapter 66A
229 regarding personal data to the contrary, shall.

230 SECTION 46. Said section 5 of said chapter 19C, as so appearing, is hereby further
231 amended by striking out, in lines 77 to 79, inclusive, the words “or (c) a disabled person has
232 suffered serious bodily injury as a result of a pattern of repetitive actions or inactions by a
233 caretaker” and inserting in place thereof the following words:- (c) a person with a disability has
234 suffered serious bodily injury as a result of a pattern of repetitive actions or inactions by a
235 caretaker; or (d) another criminal offense has occurred that has caused harm to a person with a
236 disability.

237 SECTION 47. Said chapter 19C is hereby further amended by striking out section 6, as so
238 appearing, and inserting in place thereof the following section:-

239 Section 6. The commission, acting through agencies within the executive office of health
240 and human services designated by the commission to provide protective services and as

241 necessary to prevent further abuse in cases investigated pursuant to this chapter and subject to
242 the oversight of the commission, shall:

243 (i) furnish protective services to a person with a disability with the consent of the person
244 or the person's guardian;

245 (ii) petition the court for appointment of a conservator or guardian or for issuance of an
246 emergency order for protective services as provided in section 7; or

247 (iii) furnish protective services to a person with a disability on an emergency basis as
248 provided in said section 7.

249 SECTION 48. Section 7 of said chapter 19C, as so appearing, is hereby amended by
250 striking out, in lines 1 and 2, the words "the general counsel, the department of mental health or
251 the department of public health," and inserting in place thereof the following words:- the
252 department of mental health, the department of developmental services or the Massachusetts
253 rehabilitation commission.

254 SECTION 49. Said section 7 of said chapter 19C, as so appearing, is hereby further
255 amended by striking out, in lines 4, 6 and 7, 12, 13, 16, 17 and 18, each time they appear, 20 and
256 21, 22, 29, 35, 39 and 40, 46, 47 and 48, 59, each time they appear, 61, 65, 67 and 68, the words
257 "disabled person" and inserting in place thereof, in each instance, the following words:- person
258 with a disability.

259 SECTION 50. Said section 7 of said chapter 19C, as so appearing, is hereby further
260 amended by striking out, in lines 5 and 6, 9, 33 and 34, 37 and 62, the words ", counsel or
261 department" and inserting in place thereof, in each instance, the following words:- or agency.

262 SECTION 51. Said section 7 of said chapter 19C, as so appearing, is hereby further
263 amended by inserting after the word “guardian”, in line 20, the following words:- or guardian.

264 SECTION 52. Section 8 of chapter 19C, as so appearing, is hereby amended by striking
265 out, in the section title, the words “disabled persons” and inserting in place thereof the following
266 words: - persons with disabilities.

267 SECTION 53 : Said section 8 of said chapter 19C, as so appearing, is hereby further
268 amended by striking out, in line 2, the words “disabled person” and inserting in place thereof the
269 following words:- person with a disability.

270 SECTION 54. Said section 8 of said chapter 19C, as so appearing, is hereby further
271 amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof
272 the following words:- a person with a disability.

273 SECTION 55. Section 9 of said chapter 19C is hereby amended by striking out clause
274 (d), as so appearing, and inserting in place thereof the following clause:-

275 (d) refer any matters for which there is reason to believe that abuse has occurred by a
276 state agency or its employee to the agency of the commonwealth contracting with or licensing
277 such party for termination of the contract or license or for such other action that the agency of the
278 commonwealth deems appropriate.

279 SECTION 56. Section 10 of said chapter 19C, as so appearing, is hereby amended by
280 striking out, in lines 4 and 5, the words “and shall report in writing within forty-eight hours after
281 such oral report”.

282 SECTION 57. Said section 10 of said chapter 19C, as so appearing, is hereby further
283 amended by striking out, in lines 7, 13, 19 and 29, the words “disabled person” and inserting in
284 place thereof the following words:- person with a disability.

285 SECTION 58. Said section 10 of said chapter 19C, as so appearing, is hereby further
286 amended by striking out, in lines 10 and 11, the words “six of chapter thirty-eight” and inserting
287 in place thereof the following words:- 3 of chapter 38.

288 SECTION 59. Said section 10 of said chapter 19C, as so appearing, is hereby further
289 amended by inserting after the word “file”, in line 12, the following word:- a.

290 SECTION 60. Said section 10 of said chapter 19C, as so appearing, is hereby further
291 amended by striking out, in lines 27 and 28, the words “in any civil action arising out of a report
292 made pursuant to this chapter” and inserting in place thereof the following words:- participation
293 in an investigation conducted pursuant to this chapter.

294 SECTION 61. Said section 10 of said chapter 19C, as so appearing, is hereby further
295 amended by striking out, in lines 32 and 33, the words “oral and written reports, who fails to do
296 so,” and inserting in place thereof the following words:- a report and who fails to do so.

297 SECTION 62. Section 11 of said chapter 19C, as so appearing, is hereby amended by
298 striking out, in line 6, the words “the general counsel or”.

299 SECTION 63. Said section 11 of said chapter 19C, as so appearing, is hereby further
300 amended by striking out, in line 9, the words “disabled person” and inserting in place thereof the
301 following words:- person with a disability.

302 SECTION 64. The third paragraph of said section 11 of said chapter 19C, as so
303 appearing, is hereby amended by inserting after the first sentence the following sentence:- The
304 commission may investigate any allegation under this section pursuant to section 5.

305 SECTION 65. Section 12 of said chapter 19C, as so appearing, is hereby amended by
306 striking out, in lines 10 and 11, the words “, in consultation with the secretary of health and
307 human services,”.

308 SECTION 66. Said section 12 of said chapter 19C, as so appearing, is hereby further
309 amended by striking out, in line 11, the word “formal”.

310 SECTION 67. Said section 12 of said chapter 19C, as so appearing, is hereby further
311 amended by striking out, in lines 12 and 13, the words “, in consultation with the secretary of
312 health and human services,”.

313 SECTION 68. Said section 12 of said chapter 19C, as so appearing, is hereby further
314 amended by striking out, in line 13, the words “a formal” and inserting in place thereof the
315 following word:- an.

316 SECTION 69. Section 13 of said chapter 19C, as so appearing, is hereby amended by
317 striking out, in lines 1 and 8, the words “disabled person” and inserting in place thereof, in each
318 instance, the following words:- person with a disability.

319 SECTION 70. Said section 13 of said chapter 19C, as so appearing, is hereby further
320 amended by striking out, in line 6, the word “a” and inserting in place thereof the following
321 word:- any.

322 SECTION 71. Section 14 of said chapter 19C, as so appearing, is hereby amended by
323 striking out, in lines 2 , 3, and 4, the words “the general counsel, or a department within the
324 executive office of health and human services” and inserting in place thereof the following
325 words:- department of mental health, department of developmental services, or the
326 Massachusetts rehabilitation commission,.

327 SECTION 72. Section 220 of chapter 111 of the General Laws, as so appearing, is hereby
328 amended by striking out, in lines 20 and 21, the words “disabled persons protection commission”
329 and inserting in place thereof the following words:- commission for the protection of persons
330 with disabilities.

331 SECTION 73. Section 2 of chapter 19 of the acts of 2020 is hereby amended, by
332 inserting, in the definition of registrable abuse, after the term “or” as first appearing, the
333 following word:- serious.

334 SECTION 74. Section 2 of said chapter 19 of the acts of 2020 is hereby further amended,
335 by striking, in subsection (c), the word “include”, and inserting in place thereof the following
336 word:- enter.

337 SECTION 75. Section 2 of said chapter 19 of the acts of 2020 is hereby further amended,
338 by striking, in subsection (c), the words “name and date of birth” and inserting in place thereof
339 the following words:- name, date of birth, and/or any other personally identifying information as
340 determined necessary by the Commission to confirm identity.

341 SECTION 76. Section 4 of said chapter 19 of the acts of 2020 is hereby amended by
342 striking out the words “disabled persons protection commission” and inserting in place thereof
343 the following words:- commission for the protection of persons with disabilities.