

**SENATE . . . . . No. 424**

---

**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 to prevent patient abuse and death in nursing homes.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>8/16/2021</i>

# SENATE . . . . . No. 424

---

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 424) of Mark C. Montigny, Christopher Hendricks and Michael O. Moore for legislation to prevent patient abuse and death in nursing homes. Elder Affairs.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 373 OF 2019-2020.]

## The Commonwealth of Massachusetts

---

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

---

An Act to prevent patient abuse and death in nursing homes.

*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 73 of chapter 111 of the General Laws, as appearing in the 2020 Official Edition,
- 2       is hereby amended by striking out the second paragraph in its entirety and inserting in place
- 3       thereof the following new paragraph:-
  
- 4       Notwithstanding the above paragraph, whoever violates any rule or regulation made
- 5       pursuant to sections 71, 71C, 72, or 72C shall be punished by such fine not to exceed \$22,320,
- 6       unless the department determines a higher amount is permitted pursuant to 42 CFR 488.438. If
- 7       any licensee violates any such rule or regulation by allowing a condition to exist which may be
- 8       corrected or remedied, the department shall order said licensee, in writing, to correct or remedy
- 9       such condition, and if such licensee fails or refuses to comply with such order, each day during
- 10      which such failure or refusal to comply continues shall constitute a separate offense. Fines

11 collected pursuant to this paragraph shall be deposited into the Long-Term Care Facility Quality  
12 Improvement Fund established pursuant to section 2UUUU of chapter 29 and shall not revert to  
13 the General Fund.