SENATE DOCKET, NO. 1587 FILED ON: 2/17/2021

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

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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:

Section 73 of chapter 111 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the second paragraph in its entirety and inserting in place thereof the following new paragraph:-

Notwithstanding the above paragraph, whoever violates any rule or regulation made pursuant to sections 71, 71C, 72, or 72C shall be punished by such fine not to exceed $22,320, unless the department determines a higher amount is permitted pursuant to 42 CFR 488.438. If any licensee violates any such rule or regulation by allowing a condition to exist which may be corrected or remedied, the department shall order said licensee, in writing, to correct or remedy such condition, and if such licensee fails or refuses to comply with such order, each day during which such failure or refusal to comply continues shall constitute a separate offense. Fines

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