

SENATE No. 426

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 relative to the safety of seniors in assisted living facilities.

PETITION OF:

NAME:

Patrick M. O'Connor

DISTRICT/ADDRESS:

Plymouth and Norfolk

SENATE No. 426

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 426) of Patrick M. O'Connor for legislation relative to the safety of seniors in assisted living facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 374 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to the safety of seniors in assisted living 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 72J of Chapter 111 of the General Laws is hereby amended by inserting, after the
2 word “completion” in line 48, the following new paragraph:-

3 A person acting pursuant to this act in the making of a report under this act shall have
4 immunity from any civil or criminal liability that might otherwise be incurred or imposed. Such a
5 person shall have the same immunity with respect to testimony given in any judicial proceeding
6 resulting from the report. A person who reports or causes to report in good faith an allegation of
7 patient or resident abuse, mistreatment or neglect or misappropriation of patient or resident
8 property pursuant to this act and as a result thereof is discharged from employment or in any
9 manner discriminated against with respect to compensation, hire, tenure, or terms, conditions, or
10 privileges of employment, may file a cause of action for appropriate relief in the Superior Court

11 in the county in which the discharge or alleged discrimination occurred or in the county of the
12 person's primary residence. If the court finds that the person was discharged or discriminated
13 against as a result of the person's reporting an allegation of patient or resident abuse,
14 mistreatment or neglect or misappropriation of patient or resident property pursuant to this act,
15 the court may grant reinstatement of employment with back pay or other legal or equitable relief.
16 Failure to report a case of patient or resident abuse, mistreatment or neglect or misappropriation
17 of patient or resident property by an employee of the same facility will result in a fine of no less
18 than \$3,000.