

HOUSE No. 138

The Commonwealth of Massachusetts

PRESENTED BY:

Gerard J. Cassidy

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 further protect persons with intellectual or developmental disabilities from abuse.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/19/2023</i>

HOUSE No. 138

By Representative Cassidy of Brockton, a petition (accompanied by bill, House, No. 138) of Gerard J. Cassidy for legislation to further protect persons with intellectual or developmental disabilities from abuse. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 196 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to further protect persons with intellectual or developmental disabilities from abuse.

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. Subsection (a) of section 15 of chapter 19C of the General Laws, as inserted by
2 chapter 19 of the acts of 2020, is hereby amended by striking the definition of “Employer” and
3 inserting in place thereof the following definition:-

4 “Employer”, an entity that provides services or treatment to persons with intellectual or
5 developmental disabilities pursuant to: (i) a contract or agreement with the department; (ii)
6 funding administered by the department; or (iii) a license issued pursuant to section 15 or 15A of
7 chapter 19B. An entity that provides services pursuant to a contract or agreement with the
8 department of youth services, the department of children and families, the department of early
9 education and care, the department of mental health, or the department of elementary and
10 secondary education.

11 Section 2. Subsection (d) of said section 15 of said chapter 19C, as so appearing, is
12 hereby amended by inserting after the first paragraph the following paragraph:-

13 Prior to employing a person or contracting for client services, the department of youth
14 services, the department of children and families, the department of early education and care, the
15 department of mental health, the department of elementary and secondary education, or an
16 employer shall determine whether the person's name and date of birth appear on the registry.
17 Neither the department of youth services, the department of children and families, the
18 department of early education and care, the department of mental health, the department of
19 elementary and secondary education, nor an employer shall hire, utilize the services of or employ
20 a person whose name and date of birth appear on the registry. The department of youth services,
21 the department of children and families, the department of early education and care, the
22 department of mental health, the department of elementary and secondary education, or an
23 employer shall have the prospective employee or current employee's signed consent before
24 making any inquiry to the registry. The department of youth services, the department of children
25 and families, the department of early education and care, the department of mental health, the
26 department of elementary and secondary education, or an employer shall not hire or retain any
27 prospective or current employee who declines to provide such consent. At the time the
28 department of youth services, the department of children and families, the department of early
29 education and care, the department of mental health, the department of elementary and secondary
30 education, or an employer decides not to hire or retain a person whose name and date of birth
31 appear on the registry, the department of youth services, the department of children and families,
32 or the department of early education and care, the department of mental health or the department

33 of elementary and secondary education shall so inform the person and shall provide the person
34 with the contact information for the commission.

35 Section 3. Said section 15 of said Chapter 19C, as so appearing, is hereby amended by
36 striking out subsection (e) and inserting in place thereof the following subsection:-

37 (e) The information maintained in the registry, including the record of its proceedings,
38 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66.
39 Except as provided in subsection (c), the commission, the division, and the department shall keep
40 information contained in the registry confidential and shall not disseminate information about a
41 care provider, prospective employee, or current employee to anyone other than the care provider,
42 prospective employee, or current employee unless the dissemination is necessary for the
43 consideration of the department, the department of youth services, the department of children
44 and families, the department of early education and care, the department of mental health, the
45 department of elementary and secondary education, or an employer when reviewing current or
46 prospective employment of a care provider or a person or is otherwise provided by law.
47 Disclosure of information contained in the registry shall be made in compliance with regulations
48 promulgated pursuant to subsection (h). The regulations shall include, but not be limited to,
49 measures that are necessary to protect the confidentiality of victims, individuals listed on the
50 registry and third parties related to registrable abuse.