

SENATE No. 1422

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 improve infection control within long-term care facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>3/2/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/2/2023</i>

SENATE No. 1422

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1422) of Mark C. Montigny, Paul A. Schmid, III and Christopher Hendricks for legislation to improve infection control within long-term care facilities. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1476 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act to improve infection control within long-term care 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 1. Notwithstanding any general or special law to the contrary, the department
2 of public health shall promulgate regulations to ensure each long-term care facility, licensed
3 pursuant to section 71 of chapter 111, establishes and maintains an infection prevention and
4 control program designed to provide a safe, sanitary, and comfortable environment and to help
5 prevent the development and transmission of communicable diseases and infections. Said
6 regulations shall include, but not be limited to, the following:

7 (a) Infection prevention and control program. Each facility must establish an infection
8 prevention and control program that must include, at a minimum, the following elements:

9 (1) A system for preventing, identifying, reporting, investigating, and controlling
10 infections and communicable diseases for all residents, staff, volunteers, visitors, and other
11 individuals providing services under a contractual arrangement.

12 (2) Written standards, policies, and procedures for the program, which must include, but
13 are not limited to:

14 (i) A system of surveillance designed to identify possible communicable diseases or
15 infections before they can spread to other persons in the facility;

16 (ii) When and to whom possible incidents of communicable disease or infections should
17 be reported;

18 (iii) Standard and transmission-based precautions to be followed to prevent spread of
19 infections;

20 (iv) When and how isolation should be used for a resident; including but not limited to:

21 (A) The type and duration of the isolation, depending upon the infectious agent or
22 organism involved, and

23 (B) A requirement that the isolation should be the least restrictive possible for the
24 resident under the circumstances.

25 (v) The circumstances under which the facility must prohibit employees with a
26 communicable disease or infected skin lesions from direct contact with residents or their food, if
27 direct contact will transmit the disease; and

28 (vi) The hand hygiene procedures to be followed by staff involved in direct resident
29 contact.

30 (3) An antibiotic stewardship program that includes antibiotic use protocols and a system
31 to monitor antibiotic use.

32 (4) A system for recording incidents identified under the facility's infection prevention
33 and control program and the corrective actions taken by the facility.

34 (b) Infection preventionist. The facility must designate one or more individuals as the
35 infection preventionist who are responsible for the facility's infection prevention and control
36 plan. The infection preventionist must:

37 (1) Have primary professional training in nursing, medical technology, microbiology,
38 epidemiology, or other related healthcare field;

39 (2) Be qualified by education, training, experience or certification;

40 (3) Work full-time at the facility; and

41 (4) Have completed specialized training in infection prevention and control.

42 (c) Infection prevention training for staff and volunteers. The individual designated as the
43 infection preventionist, or at least one of the individuals if there is more than one infection
44 preventionist, must provide orientation and annual in-service training to all staff, including
45 temporary staff and volunteers, on infection control policies and procedures. The infection
46 preventionist shall document the date and time of said training for each staff person and report to
47 the department not less than once per calendar year.

48 SECTION 2. The department shall promulgate regulations pursuant to this Act no later
49 than 180 days from passage.