

SENATE No. 388

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 resolve:

Resolve relative to transparency and accountability for assisted living residences.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/15/2023</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. 388

By Mr. Montigny, a petition (accompanied by resolve, Senate, No. 388) of Mark C. Montigny, Kay Khan, Paul A. Schmid, III and Christopher Hendricks that provisions be made for an investigation and study by a special commission (including members of the General Court) to establish transparency and accountability for assisted living residences. Elder Affairs.

The Commonwealth of Massachusetts

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

Resolve relative to transparency and accountability for assisted living residences.

1 **Resolved**, Notwithstanding any general or special law to the contrary, there shall be an
2 assisted living commission to study and recommend policies to ensure assisted living residences
3 adequately meet the health and safety needs of residents. The study shall examine: (i) the current
4 statutory and regulatory oversight of assisted living residences; (ii) assisted living best practices
5 in other states; (iii) the benefits and disadvantages of licensing or certifying residences; (iv)
6 marketing information communicated by residences to potential residents and families; (v)
7 regulatory procedures for opening, closing or changing ownership of a residence including
8 determination of need processes and clustering of facilities; (vi) trends in incident reports made
9 to the executive office of elder affairs and the long term care ombudsman’s office and
10 resolutions of such incidents; (vii) methods to provide transparency of information for potential
11 consumers and family members researching and comparing residences; (viii) safety standards;
12 (ix) existing consumer protections in statute and regulation; and (x) the provision of health care
13 services in residences.

14 The commission shall consist of: the secretary of elder affairs or a designee, who shall
15 serve as chair; the commissioner of public health or a designee; the assistant secretary of
16 MassHealth or a designee; the long term care ombudsman or a designee; the chairs of the joint
17 committee on elder affairs or designees; and 10 members to be appointed by the governor, 1 of
18 whom shall be a representative of the Massachusetts chapter of the National Academy of Elder
19 Law Attorneys, 1 of whom shall be a representative of LeadingAge Massachusetts, Inc., 1 of
20 whom shall be a representative of the Massachusetts Assisted Living Association, Inc., 1 of
21 whom shall be a representative of AARP Massachusetts, 1 of whom shall be a representative of
22 the New England chapter of the Gerontological Advanced Practice Nurses Association, 1 of
23 whom shall be a representative of the Massachusetts chapter of the Alzheimer’s Association, 1 of
24 whom shall be a representative of MassPACE, 1 of whom shall be a representative of Greater
25 Boston Legal Services, and 2 of whom shall be residents or family members of residents at an
26 assisted living residence.

27 The commission shall meet not less than 6 times, including at least 1 public hearing, and
28 shall produce a report detailing recommendations, which shall be published online by the
29 executive office of elder affairs.

30 The commission shall file its report and recommendations, including proposed drafts of
31 any necessary legislation or regulations, to the clerks of the senate and house of representatives,
32 the joint committee on elder affairs and the house and senate committees on ways and means not
33 more than 1 year following the effective date of this act.