

SENATE No. 481

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 establish the Office of Older Adult Advocate.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No. 481

By Mr. Mark, a petition (accompanied by bill, Senate, No. 481) of Paul W. Mark for legislation to ensure older adults under the care of the Commonwealth receive dignified treatment and access to all available benefits and services. Elder Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to establish the Office of Older Adult Advocate.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after chapter 117A the following new
2 chapter:-

3 CHAPTER 117B. OFFICE OF OLDER ADULT ADVOCATE.

4 Section 1. As used in this chapter, the following words shall, unless the context clearly
5 requires otherwise, have the following meanings:

6 “Executive agency” shall mean a state agency within the office of the governor, including
7 the executive office of education, the executive office of public safety and security, executive
8 office of health and human services, the executive office of elder affairs, and their constituent
9 agencies, the Massachusetts interagency council on housing and homelessness and the executive
10 office of housing and livable communities, and their constituent agencies.

“Nominating committee” shall mean the nominating committee as established in section 3 of this chapter.

“Office” shall mean the office of the older adult advocate established in section 2 of this chapter.

“Older adult advocate” shall mean the older adult advocate appointed under section 3 of this chapter.

“Older adult” shall mean any resident of the Commonwealth aged sixty or above.

“Veteran” shall mean any person who meets the definition provided in clause 43, section 7, chapter 4 of the General Laws.

Section 2. There shall be an office of the older adult advocate, which shall be independent of any supervision or control by any executive agency. The office shall: (i) ensure that older adults in the care of the commonwealth or receiving services under the supervision of an executive agency in any public or private facility receive humane and dignified treatment at all times, with full respect for the older adults' personal dignity and right to privacy; (ii) ensure that older adults in the care of the commonwealth or receiving services under the supervision of an executive agency in any public or private facility receive timely, safe and effective services; (iii) aid and coordinate with local councils on aging and aging services access point to ensure older adults receive all available state and federal benefits; (iv) examine, on a system-wide basis, the care and services that executive agencies provide adults; (v) advise the public and those at the highest levels of state government about how the commonwealth may improve its services to and for older adults and their families; (vi) develop internal procedures appropriate for the effective performance of the office's duties; (vii) act as a liaison to all state agencies providing services to

33 older adults to ensure each older adult receives necessary services and care; (viii) assist in
34 developing procedures for the executive agencies to best serve the older adult community; (ix)
35 act as a liaison to the Administration for Community Living of the United States Department of
36 Health and Human Services and all other relevant federal agencies to advocate on behalf of the
37 older adults of the commonwealth; and (x) investigate incidents where a older adults suffered a
38 fatality, near fatality or serious bodily or emotional injury, including so-called “no harm”
39 incidents, while receiving services from an executive agency, or circumstances which result in a
40 reasonable belief that an executive agency or a constituent agency failed in its duty to care for an
41 older adult and, as a result, the older adult was at imminent risk of, or suffered serious bodily or
42 emotional injury or death.

43 Section 3. (a) The office of the older adult advocate, established pursuant to this chapter,
44 shall be under the direction of the older adult advocate. The older adult advocate shall be the
45 administrative head of the office and shall devote full time to the duties of the office. The older
46 adult advocate shall be appointed by a majority vote of the attorney general, the state auditor and
47 the governor from a list of 3 nominees submitted by a nominating committee to recommend an
48 older adult advocate. The nominating committee shall consist of: the secretary of elder affairs, or
49 a designee, who shall serve as chair; the secretary of housing and livable communities, the
50 secretary of health and human services, or a designee; the secretary of public safety, or a
51 designee; the commissioner of mental health, the commissioner of public health or a designee;
52 the house and senate chairs of the joint committee on elder affairs; the long-term care
53 ombudsman or a designee; a representative of the AARP; a representative of Dignity Alliance
54 Massachusetts, a representative of the Massachusetts Association of Councils on Aging, a
55 representative of the Alzheimer’s Association, a representative of Mass Aging Access; and a

representative of the Home Care Alliance of Massachusetts. The nominating committee shall submit salary recommendations for the candidates commensurate with the candidates' experience and other similar state positions. The work of the nominating committee shall be coordinated by the executive office of elder affairs.

(b) Any person appointed to the position of older adult advocate shall be selected without regard to political affiliation and on the basis of integrity and demonstrated ability in older adult welfare, justice, auditing, law, health care, management analysis, public administration and investigation or criminal justice administration. The older adult advocate may, subject to appropriation, appoint such other personnel as the older adult advocate deems necessary for the efficient management of the office.

(c) The older adult advocate shall serve for a term of 5 years. In the case of a vacancy in the position of the older adult advocate, a successor shall be appointed in the same manner for the remainder of the unexpired term. No person shall be appointed as older advocate for more than 2 full terms.

(d) The older advocate may be removed from office for cause by a majority vote of the attorney general, the state auditor and the governor. Such cause may include substantial neglect of duty, gross misconduct or conviction of a crime. The cause for removal of the older adult advocate shall be stated in writing and shall be sent to the clerks of the senate and house of representatives and to the governor at the time of removal and shall be a public document.

Section 5. In every instance where services are determined to be provided to an older adult who is a qualified veteran, and not simply because of age, the office of the veterans' advocate shall serve as the primary agency for response. However, where services are provided

78 because of eligibility determine by age, regardless of veterans' status, the office of older adult
79 advocate shall be the primary agency for response.

80 Section 6. The older adult advocate shall report annually to the governor, the senate
81 president, the speaker of the house of representatives, the senate and the house committees on
82 ways and means, and the joint committee on elder affairs on the activities of the office,
83 including, but not limited to, an analysis of the delivery of services to older adults and
84 recommendations for changes in agency procedures which would enable the commonwealth to
85 better provide services to and for older adults and their families and priorities for implementation
86 of those changes to services. The report shall be made public on the website of the older
87 advocate.