

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**David M. Torrasi**

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*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 passage of the accompanying bill:

An Act relative to the voluntary closure of long term care facilities.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
David M. Torrasi	14th Essex
Stephen L. DiNatale	3rd Worcester
Stephen R. Canessa	12th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2267 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT RELATIVE TO THE VOLUNTARY CLOSURE OF 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. Chapter 111 of the General Laws, as appearing in the 2006 Official Edition, is  
2 hereby amended by inserting after section 71A½ the following section:—

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4           Section 71B. A long-term care facility that holds a license issued by the department shall inform  
5 the department in writing of any proposed voluntary closure of the facility. Such notice shall be  
6 given not less than 90 days in advance of the proposed closure and shall state the reasons for  
7 the closure. The facility shall give concurrent notice of the proposed closure to patients and  
8 their families. The facility shall submit to the department with the notice of proposed closure a  
9 written plan for notice to and relocation of patients. The plan shall detail the measures the  
10 facility will take to assure each patient's placement in another long-term care facility with  
11 services necessary for the patient's treatment, in a location acceptable to the patient.  
12 The department shall conduct a public hearing within 45 days of receiving notice on the  
13 proposed closure. The hearing shall be held in the community where the facility is located. Any  
14 person aggrieved by the proposed closure may testify at the hearing. The department shall  
15 determine whether the facility's relocation plan sufficiently protects the access of the facility's  
16 patients to necessary health services. The department may require further documentation from  
17 the facility as to how it will minimize harm to patients from the closure.

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19           A long-term care facility's failure to comply with the notice provisions set forth in this section or  
20 to implement an appropriate relocation plan, or the commencement of the transfer of patients  
21 prior to the expiration of 90 days, may result in a finding that an emergency exists as defined in  
22 section 72M and the department may seek the appointment of a receiver. A long-term care

23 facility's failure to assure appropriate notice to and relocation of all patients may result in a  
24 finding of abuse, mistreatment or neglect as defined in section 72F.

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26 The department shall notify the secretary of the executive office of elder affairs of any public  
27 hearing or of any action to be taken under this section. The department shall promulgate  
28 regulations to implement the requirements of this section.