

HOUSE No. 196

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>2/19/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>3/2/2021</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>3/2/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

HOUSE No. 196

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 196) of Claire D. Cronin and others for legislation to further protect persons with intellectual or developmental disabilities from abuse. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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, or the department of elementary and secondary education.

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

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

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

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