

HOUSE No. 4667

Substituted by the House, on motion of Ms. Balsler of Newton, for a bill with the same title (House, No. 4663). April 21, 2020.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to long term care facility and elder housing COVID-19 reporting.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the health and wellness of the residents of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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. (a) As used in this section the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:-

3 “Assisted living residence”, any entity, however organized, whether conducted for profit
4 or not for profit, which meets all of the following criteria:

5 (i) provides room and board;

6 (ii) provides, directly by employees of the entity or through arrangements with another
7 organization which the entity may or may not control or own, assistance with activities of daily
8 living for 3 or more adult residents who are not related by consanguinity or affinity to their care
9 provider; and

10 (iii) collects payments or third party reimbursements from or on behalf of residents to
11 pay for the provision of assistance with the activities of daily living or arranges for the same.

12 “Elderly housing facilities”, any residential premises available for lease by elderly or
13 disabled individuals which is financed or subsidized in whole or in part by state or federal
14 housing programs established primarily to furnish housing rather than housing and personal
15 services, as set forth in a listing established by the secretary of elder affairs, and which was never
16 licensed under chapter 111 of the General Laws.

17 “Long term care facilities”, the Soldiers’ Home in Chelsea, the Soldiers’ Home in
18 Holyoke, or a convalescent home, a nursing home, a skilled nursing facility, an intermediate care
19 facility, a rest home or a charitable home for the aged licensed under the provisions of section 71
20 of chapter 111 of the General Laws.

21 (b) Notwithstanding any general or special law to the contrary, assisted living residences,
22 elderly housing facilities and long-term care facilities shall report daily to the local department of
23 health in the municipality where said assisted living residences, elderly housing facilities or long-
24 term care facilities are located and to the Massachusetts department of public health, the number
25 of known COVID-19 positive cases and mortalities by residents and staff, each in its own
26 category. The department shall make this information available on its website. The department of
27 public health shall update this data daily and shall provide a list, including the name and location,
28 of all assisted living residences, elderly housing facilities or long-term care facilities reporting
29 COVID-19 positive cases or mortalities and the number of resident and staff cases and
30 mortalities, each in its own category at each residence or facility.

31 (c) Each assisted living residence, elderly housing facility or long-term care facility shall
32 report daily to each resident's health care proxy, emergency contact legal guardian or other
33 legally authorized representative the number of known COVID-19 positive cases and mortalities
34 among both residents and staff, each in its own category.

35 (d) The department of public health shall report weekly the number of COVID-19
36 positive cases and mortalities at assisted living residences, elderly housing facilities and long-
37 term care facilities to the house and senate committees on ways and means. The department shall
38 also report demographic data of COVID-19 positive cases and mortalities including race, age,
39 and sex of cases and mortalities in aggregate form.