

SENATE No. 1417

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 bill:

An Act ensuring access to a resident representative in long-term care facilities.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 1417

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1417) of Mark C. Montigny for legislation to ensure access to a resident representative in long-term care facilities. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1482 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act ensuring access to a resident representative in 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 Notwithstanding any special or general law to the contrary, the department of public
2 health shall promulgate regulations to define “resident representative” in accordance with federal
3 law for purposes of providing standards and licensure requirements for long-term care facilities
4 under chapter 111. The department shall require each licensed long-term care facility to notify
5 each resident verbally and in writing that said resident has the right to choose a representative
6 and that said representative is permitted to accompany the resident to care plan meetings and
7 further support said resident in decision-making as it pertains to their care. The term “resident
8 representative” shall include, but not be limited to, the following:

9 (1) An individual chosen by the resident to act on behalf of the resident in order to
10 support the resident in decision-making; access medical, social or other personal information of
11 the resident; manage financial matters; or receive notifications;

12 (2) A person authorized by state or federal law (including but not limited to agents under
13 power of attorney, representative payees, and other fiduciaries) to act on behalf of the resident in
14 order to support the resident in decision-making; access medical, social or other personal
15 information of the resident; manage financial matters; or receive notifications;

16 (3) Legal representative, as used in section 712 of the Older Americans Act; or

17 (4) For residents adjudicated to lack capacity, the court-appointed guardian or
18 conservator of a resident to give informed consent.

19 Nothing in this Act shall expand the scope of authority of any resident representative
20 beyond that authority specifically authorized by the resident, federal law, or a court of competent
21 jurisdiction.