

# SENATE . . . . . No. 2168

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Senate, March 3, 2016 -- Text of the Senate Bill eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts (Senate, No. 2168) (being the text of Senate, No. 2141, printed as amended)

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## The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court**  
**(2015-2016)**  
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An Act updating terminology and investigative practices related to the protection of persons with a disability.

*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. Section 19 of chapter 19B of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out, in lines 126, 139, 280 and 281, 305, 384, 390  
3 and 391, and in lines 394 and 395, the words “disabled persons protection commission” and  
4 inserting in place thereof, in each instance, the following words:- commission for the protection  
5 of persons with disabilities.

6           SECTION 1A. Chapter 19C of the General Laws, as so appearing, is hereby amended by  
7 striking out the title and inserting in place thereof the following title:- COMMISSION FOR THE  
8 PROTECTION OF PERSONS WITH DISABILITIES.

9           SECTION 1B. Section 1 of said chapter 19C, as so appearing, is hereby amended by  
10 striking out, in line 4, the words “disabled person” and inserting in place thereof the following  
11 words:- person with a disability.

12 SECTION 2. Said section 1 of said chapter 19C, as so appearing, is hereby further  
13 amended by striking out, in line 9, the words “disabled person’s”.

14 SECTION 3. Said section 1 of said chapter 19C, as so appearing, is hereby further  
15 amended by striking out, in line 10, the words “a disabled person’s health or welfare” and  
16 inserting in place there of the following words:- the health and welfare of a person with a  
17 disability.

18 SECTION 4. Said section 1 of said chapter 19C, as so appearing, is hereby further  
19 amended by striking out, in line 11, the words “disabled person” and inserting in place thereof  
20 the following words:- person with a disability.

21 SECTION 4A. Said section 1 of said chapter 19C, as so appearing, is hereby further  
22 amended by striking out, in line 13, the words “disabled persons protection commission” and  
23 inserting in place thereof the following words:- commission for the protection of persons with  
24 disabilities.

25 SECTION 5. Said section 1 of said chapter 19C, as so appearing, is hereby further  
26 amended by striking out the definitions of “Disabled person”, “General counsel” and “Mandated  
27 reporter” and inserting in place thereof the following 2 definitions:-

28 “Mandated reporter”, any physician, medical intern, hospital personnel engaged in the  
29 examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse,  
30 chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator,  
31 guidance or family counselor, day care worker, probation officer, social worker, foster parent,  
32 police officer, firefighter, paramedic, emergency medical technician or person employed by a  
33 state agency as defined by this chapter or employed by a private agency providing services to a

34 person with a disability who, in that person's professional capacity shall have reasonable cause  
35 to believe that a person with a disability is suffering from a reportable condition.

36 "Person with a disability", a person between the ages of 18 to 59, inclusive, who is a  
37 person with an intellectual or developmental disability as defined by section 1 of chapter 123B or  
38 who is otherwise mentally or physically disabled and as a result of that mental or physical  
39 disability is wholly or partially dependent on others to meet that person's daily living needs;  
40 provided, however, that the term "person with a disability" shall replace the term "disabled  
41 person" without changing the meaning.

42 SECTION 6. Said section 1 of said chapter 19C, as so appearing, is hereby further  
43 amended by striking out, in lines 38 and 40, the words "disabled person or persons" and inserting  
44 in place thereof, in each instance, the following words:- person with a disability.

45 SECTION 7. Said section 1 of said chapter 19C, as so appearing, is hereby further  
46 amended by striking out, in line 41, the words "disabled persons" and inserting in place thereof  
47 the following words:- persons with a disability.

48 SECTION 8. Said section 1 of said chapter 19C, as so appearing, is hereby further  
49 amended by striking out the definition of "State agency" and inserting in place thereof the  
50 following definition:-

51 "State agency", any agency of the commonwealth that provides services or treatment to  
52 persons with a disability, including a private entity providing such services or treatment pursuant  
53 to a contract, license or agreement with an agency of the commonwealth.

54 SECTION 9. Section 2 of said chapter 19C, as so appearing, is hereby amended by  
55 striking out in line 2, the first time it appears, the words “disabled persons” and inserting in place  
56 thereof the following words:- persons with a disability.

57 SECTION 9A. Said section 2 of said chapter 19C, as so appearing, is hereby further  
58 amended by striking out, in lines 2 and 3, the words “disabled persons protection commission”  
59 and inserting in place thereof the following words: - commission for the protection of persons  
60 with disabilities.

61 SECTION 9B Said section 2 of said chapter 19C, as so appearing is hereby further  
62 amended by striking out, in line 5, the words “disabled persons” and inserting in place thereof  
63 the following words:- persons with a disability.

64 SECTION 10. Section 3 of said chapter 19C, as so appearing, is hereby amended by  
65 striking out, in lines 20 and 21, the words “disabled persons” and inserting in place thereof the  
66 following words:- persons with a disability.

67 SECTION 11. Said section 3 of said chapter 19C, as so appearing, is hereby further  
68 amended by striking out, in line 22, the word “other”.

69 SECTION 12. Said section 3 of said chapter 19C, as so appearing, is hereby further  
70 amended by striking out, in lines 28 and 29, the words “disabled persons” and inserting in place  
71 thereof the following words:- persons with a disability.

72 SECTION 13. Said section 3 of said chapter 19C, as so appearing, is hereby further  
73 amended by striking out, in line 32, the words “sixty-six and sixty-six A;” and inserting in place  
74 thereof the following words:- 66 and 66A; except as otherwise provided in this chapter, all

75 records containing personal data which are created, collected, used, maintained or disseminated  
76 pursuant to this chapter shall not be public records and shall be governed by chapter 66A.

77 SECTION 14. Section 4 of said chapter 19C, as so appearing, is hereby amended by  
78 striking out, in line 1, the words “disabled person” and inserting in place thereof the following  
79 words:- person with a disability, and subject to the commission’s authority to conduct its own  
80 investigation.

81 SECTION 15. Said section 4 of said chapter 19C, as so appearing, is hereby further  
82 amended by striking out subsection (b) and inserting in place thereof the following subsection:-

83 (b) For the purpose of providing protective services, immediately refer any such reports,  
84 which allege the existence of an imminent risk of serious injury to any person with a disability or  
85 which allege the occurrence of abuse of a person with a disability whose caretaker is a state  
86 agency, to the department within the executive office of health and human services which has  
87 jurisdiction over the disability manifested by the person with a disability. As determined and  
88 assigned by the commission, either the commission or that agency, subject to the oversight of the  
89 commission, shall investigate such abuse as provided in section 5. In a case where a commission  
90 investigation is being conducted, the state agency shall take reasonable steps to avoid  
91 unnecessary, unwarranted or counterproductive duplication between an internal investigation or  
92 inquiry by the agency and the commission’s investigation, by utilizing the commission’s  
93 investigation in lieu of an internal investigation conducted by the agency.

94 SECTION 16. Subsection (c) of said section 4 of said chapter 19C, as so appearing, is  
95 hereby further amended by striking out the first paragraph and inserting in place thereof the  
96 following paragraph:-

97 For the purpose of providing protective services, immediately refer any such reports  
98 which allege the existence of imminent risk of serious injury to any person with a disability or  
99 which allege the occurrence of abuse of a person with a disability whose caretaker is not a state  
100 agency, to the department within the executive office of health and human services which the  
101 commission determines, based on the person's disability, would most likely either provide  
102 services or treatment to the person with a disability or license an entity to provide or contract  
103 with or enter into an agreement to provide services or treatment to the person with a disability.  
104 As determined and assigned by the commission, either the commission or the agency, subject to  
105 the oversight of the commission, shall investigate such abuse as provided in section 5.

106 SECTION 17. Said section 4 of said chapter 19C, as so appearing, is hereby further  
107 amended by striking out, in line 35, the words "disabled person" and inserting in place thereof  
108 the following words:- person with a disability.

109 SECTION 18. Said section 4 of said chapter 19C, as so appearing, is hereby further  
110 amended by striking out, in line 42, the word "commissioners" and inserting in place thereof the  
111 following word:- commission.

112 SECTION 19. Said section 4 of said chapter 19C, as so appearing, is hereby further  
113 amended by inserting after the word "of", in line 56, the third time it appears, the following  
114 words:- licensed or.

115 SECTION 20. Said section 4 of said chapter 19C, as so appearing, is hereby further  
116 amended by striking out, in line 58, the word "department's" and inserting in place thereof the  
117 following word:- agency's.

118 SECTION 21. Section 5 of said chapter 19C, as so appearing, is hereby amended by  
119 striking out, in line 1, the words “disabled person” and inserting in place thereof the following  
120 words:- person with a disability.

121 SECTION 22. Said section 5 of said chapter 19C, as so appearing, is hereby further  
122 amended by inserting after the word “designated”, in line 2, the following words:- and assigned.

123 SECTION 23. Said section 5 of said chapter 19C, as so appearing, is hereby further  
124 amended by striking out, in lines 2 to 4, inclusive, the words “ , the general counsel, or a  
125 department within the executive office of health and human services”.

126 SECTION 24. Said section 5 of said chapter 19C, as so appearing, is hereby further  
127 amended by striking out, in lines 7 and 8, the words “counsel or department of mental health or  
128 department of public health” and inserting in place thereof the following words:- department of  
129 mental health, department of developmental services or the Massachusetts rehabilitation  
130 commission.

131 SECTION 25. Said section 5 of said chapter 19C, as so appearing, is hereby further  
132 amended by striking out, in line 9, the words “disabled person’s health or safety” and inserting in  
133 place thereof the following words:- health or safety of a person with a disability.

134 SECTION 26. Said section 5 of said chapter 19C, as so appearing, is hereby further  
135 amended by striking out, in line 12, the words “disabled person’s residence and day program”  
136 and inserting in place thereof the following words:- residence and day program of a person with  
137 a disability.

138 SECTION 27. Said section 5 of said chapter 19C, as so appearing, is hereby further  
139 amended by striking out, in line 13, the words “disabled person” and inserting in place thereof  
140 the following words:- person with a disability.

141 SECTION 28. Said section 5 of said chapter 19C, as so appearing, is hereby further  
142 amended by striking out, in lines 17 to 19, inclusive, the words “to the general counsel and to the  
143 department of mental health and the department of public health” and inserting in place thereof  
144 the following words:- and to the department of mental health, department of developmental  
145 services or the Massachusetts rehabilitation commission, as appropriate.

146 SECTION 29. Said section 5 of said chapter 19C, as so appearing, is hereby further  
147 amended by striking out, in line 33, the words “disabled person” and inserting in place thereof  
148 the following words:- person with a disability.

149 SECTION 30. Said section 5 of said chapter 19C, as so appearing, is hereby further  
150 amended by striking out, in lines 46 and 47, the words “the general counsel, the department of  
151 mental health and the department of public health” and inserting in place thereof the following  
152 words:- and to the department of mental health, department of developmental services or the  
153 Massachusetts rehabilitation commission, as appropriate,.

154 SECTION 31. Said section 5 of said chapter 19C, as so appearing, is hereby further  
155 amended by striking out, in line 50, the words “disabled person” and inserting in place thereof  
156 the following words:- person with a disability.

157 SECTION 32. Said section 5 of said chapter 19C, as so appearing, is hereby further  
158 amended by striking out, in line 52, the words “, the general counsel”.

159 SECTION 33. Said section 5 of said chapter 19C, as so appearing, is hereby further  
160 amended by striking out, in lines 63, 73, 75, 77 and 78, the words “disabled person” and  
161 inserting in place thereof, in each instance, the following words:- person with a disability.

162 SECTION 34. Section 6 of said chapter 19C, as so appearing, is hereby amended by  
163 striking out the first paragraph and inserting in place thereof the following paragraph:-

164 The commission, acting through state agencies within the executive office of health and  
165 human services designated by the commission for the purpose of providing protective services to  
166 prevent further abuse in cases investigated pursuant to this chapter and subject to the oversight of  
167 the commission, shall:-

168 SECTION 35. Said section 6 of said chapter 19C, as so appearing, is hereby further  
169 amended by striking out, in lines 10 and 15, the words “disabled person” and inserting in place  
170 thereof, in each instance, the following words:- person with a disability.

171 SECTION 36. Section 7 of said chapter 19C, as so appearing, is hereby amended by  
172 striking out, in lines 1 and 2, the words “the general counsel, the department of mental health or  
173 the department of public health,” and inserting in place thereof the following words:- the  
174 department of mental health, the department of developmental services or the Massachusetts  
175 rehabilitation commission.

176 SECTION 37. Said section 7 of said chapter 19C, as so appearing, is hereby further  
177 amended by striking out, in line 4, the words “disabled person” and inserting in place thereof the  
178 following words:- person with a disability.

179 SECTION 38. Said section 7 of said chapter 19C, as so appearing, is hereby further  
180 amended by striking out, in lines 5 and 6, the words “, counsel or department” and inserting in  
181 place thereof the following words:- or agency.

182 SECTION 39. Said section 7 of said chapter 19C, as so appearing, is hereby further  
183 amended by striking out, in lines 6 and 7, the words “disabled person” and inserting in place  
184 thereof the following words:- person with a disability.

185 SECTION 40. Said section 7 of said chapter 19C, as so appearing, is hereby further  
186 amended by striking out, in line 9, the words “, counsel or department” and inserting in place  
187 thereof the following words:- or agency.

188 SECTION 41. Said section 7 of said chapter 19C, as so appearing, is hereby further  
189 amended by striking out, in lines 12, 13, 16, 17 and 18, 20, 21, 22, 29, the words “disabled  
190 person” and inserting in place thereof, in each instance, the following words:- person with a  
191 disability.

192 SECTION 42. Said section 7 of said chapter 19C, as so appearing, is hereby further  
193 amended by striking out, in lines 33 and 34, the words “, counsel or department” and inserting in  
194 place thereof the following words:- or agency.

195 SECTION 43. Said section 7 of said chapter 19C, as so appearing, is hereby further  
196 amended by striking out, in line 35, the words “disabled person” and inserting in place thereof  
197 the following words:- person with a disability.

198 SECTION 44. Said section 7 of said chapter 19C, as so appearing, is hereby further  
199 amended by striking out, in line 37, the words “, counsel or department” and inserting in place  
200 thereof the following words:- or agency.

201 SECTION 45. Said section 7 of said chapter 19C, as so appearing, is hereby further  
202 amended by striking out, in lines 39 and 40, 46, 47 and 48, 59 and 61, the words “disabled  
203 person” and inserting in place thereof, in each instance, the following words:- person with a  
204 disability.

205 SECTION 46. Said section 7 of said chapter 19C, as so appearing, is hereby further  
206 amended by striking out, in line 62, the words “, counsel or department” and inserting in place  
207 thereof the following words:- or agency.

208 SECTION 47. Said section 7 of said chapter 19C, as so appearing, is hereby further  
209 amended by striking out, in lines 65, 67 and 68, the words “disabled person” and inserting in  
210 place thereof, in each instance, the following words:- person with a disability.

211 SECTION 48. Section 8 of said chapter 19C, as so appearing, is hereby amended by  
212 striking out, in line 2, the words “disabled person” and inserting in place thereof the following  
213 words:- person with a disability.

214 SECTION 49. Said section 8 of said chapter 19C, as so appearing, is hereby further  
215 amended by striking out, in line 6, the words “disabled persons” and inserting in place thereof  
216 the following words:- persons with a disability.

217 SECTION 50. Section 10 of said chapter 19C, as so appearing, is hereby amended by  
218 striking out, in lines 7, 13, 19 and 29, the words “disabled person” and inserting in place thereof,  
219 in each instance, the following words:- person with a disability.

220 SECTION 51. Section 11 of said chapter 19C, as so appearing, is hereby amended by  
221 striking out, in line 6, the words “, the general counsel”.

222 SECTION 52. Said section 11 of said chapter 19C, as so appearing, is hereby further  
223 amended by striking out, in line 9, the words “disabled person” and inserting in place thereof the  
224 following words:- person with a disability.

225 SECTION 53. Section 13 of said chapter 19C, as so appearing, is hereby amended by  
226 striking out, in line 1, the words “disabled person” and inserting in place thereof the following  
227 words:- person with a disability.

228 SECTION 54. Said section 13 of chapter 19C, as so appearing, is hereby further amended  
229 by inserting after the word “with”, in line 3, the following words: - or licensed by.

230 SECTION 55. Said section 13 of said chapter 19C, as so appearing, is hereby further  
231 amended by striking out, in line 8, the words “disabled person” and inserting in place thereof the  
232 following words:- person with a disability.

233 SECTION 56. Section 220 of chapter 111 of the General Laws, as so appearing, is hereby  
234 amended by striking out, in lines 20 to 21, the words “disabled persons protection commission”  
235 and inserting in place thereof the following words:- commission for the protection of persons  
236 with disabilities.