

SENATE No. 370

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 to ensure resident safety within assisted living facilities.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 370

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 370) of Mark C. Montigny for legislation to ensure resident safety within assisted living facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 355 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act to ensure resident safety within assisted living 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 SECTION1. Chapter 19D of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 18 the following section:-

3 Section 19. (a) Each assisted living residence shall ensure twenty-four hour per day
4 coverage of at least one on-site AED provider, as defined by section 12V½ of chapter 112. Each
5 assisted living residence shall ensure that at least one automated external defibrillator is readily
6 available on site. The department shall not issue certification to any assisted living residence in
7 violation of this section.

8 (b) Each assisted living residence shall not prohibit a staff person trained in the proper
9 administration of cardiopulmonary resuscitation or use of an automated external defibrillator, in
10 accordance with the definition of “AED provider” in section 12V½ of chapter 112, from

11 administering such emergency assistance to a resident who does not have a documented or
12 clearly visible do not resuscitate order. An assisted living residence may require documentation
13 of proper training from such staff person before such person is permitted to render emergency
14 care in the facility. An assisted living residence may prohibit a staff person not adequately
15 trained in the proper administration of cardiopulmonary resuscitation or use of an automated
16 external defibrillator from administering such emergency assistance to a resident. Such facility
17 shall not retaliate against any trained staff person for rendering emergency assistance, including
18 but not limited to, threatened suspension, demotion or loss of employment.