



## Legislative Endorsement

**Bill No. and Title:** Bill 1482 An Act Ensuring Access to a Resident Representative in Long-Term Care Facilities

**Sponsor(s) and Committee:** Sen. Montigny, Public Health

**Legislative History:** Hearing: October 29<sup>th</sup>, 2021

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

- (1) An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;
- (2) A person authorized by state or federal law (including but not limited to agents under power of attorney, representative payees, and other fiduciaries) to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;
- (3) Legal representative, as used in section 712 of the Older Americans Act; or
- (4) For residents adjudicated to lack capacity, the court-appointed guardian or conservator of a resident to give informed consent.

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

<https://malegislature.gov/Bills/192/S1482>

**Endorsed by 38 members of Dignity Alliance Massachusetts including:**

<ul style="list-style-type: none"> <li>• Boston Center for Independent Living</li> <li>• Center for Living and Work, Inc.</li> <li>• COP Amputee Association – COPAA</li> <li>• Disability Policy Consortium</li> <li>• Disability Resource Center</li> <li>• Easterseals Massachusetts</li> <li>• John Ford, Esq.</li> <li>• Lachan Farrow, MD</li> <li>• Judi Fonsh, LCSW, MSW</li> <li>• Wynn Gerhard</li> </ul>	<ul style="list-style-type: none"> <li>• Pamela Goodwin</li> <li>• Greater Boston Chapter of United Spinal Association</li> <li>• Fred Gross</li> <li>• Jerry Halberstadt, Stop Bullying Coalition</li> <li>• Sandy Hovey</li> <li>• Anne Johansen</li> <li>• James Lomastro, PhD</li> <li>• Paul J. Lanzikos</li> </ul>	<ul style="list-style-type: none"> <li>• Massachusetts Advocates for Nursing Home Reform, Arlene Germain, Policy Director</li> <li>• Massachusetts Aging and Mental Health Coalition</li> <li>• Massachusetts Law Reform Institute</li> <li>• MetroWest Center for Independent Living, Paul Spooner, Executive Director</li> <li>• Richard T. Moore</li> <li>• SeniorCare, Scott Trenti, CEO</li> </ul>
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**Contact: Richard Moore, Dignity Alliance Massachusetts Legislative Chair,**  
[rmoores8743@charter.net](mailto:rmoores8743@charter.net)