



AN ACT UPDATING TERMINOLOGY AND INVESTIGATIVE PRACTICES RELATED TO THE PROTECTION OF PERSONS WITH DISABILITIES & AN ACT TO UPDATE NICKY'S LAW TO PROTECT INDIVIDUALS WITH DISABILITIES IN MASSHEALTH DAY HABILITATION PROGRAMS

H. 243 / S.139, filed by Rep. Garballey Rep. Cataldo, Sen. Keenan & S.165, filed by Sen. Moore

Expands the protections of Nicky's Law/Dana's Law to those receiving services in MassHealth Day Habilitation programs. These providers would be required to use the abuse registry before making hiring decisions, ensuring that participants are safe from harm.

CONTEXT

- The Abuse Registry (Nicky's Law/Dana's Law) was signed into law by Governor Baker in March 2020. The registry is managed by the Disabled Persons Protection Commission (DPPC). The intent is to protect individuals with intellectual or developmental disabilities (IDD) by barring staff who have a substantiated finding of registrable abuse from working with this population.
- Currently, the registry only applies to those serving people who receive care through Department of Developmental Services-funded programs. Individuals in Day Habilitation programs, which are funded by MassHealth, are some of the most vulnerable individuals. Providers in these programs are currently not required to check the registry before hiring staff.

THE BILL

- Regarding who is required to use the registry, the bill expands the definition of "employer" to include MassHealth Day Habilitation providers.
- H. 243 / S. 139 also includes important language to streamline the effectiveness of the Disabled Persons Protection Commission.

THE IMPACT

The passage of Nicky's Law by the legislature was a significant step toward ensuring the safety of people with intellectual and developmental disabilities. However, a gap exists—this bill provides an opportunity to close that gap and provide protection to those in MassHealth Day Habilitation programs. The registry works, ensuring that those found to have committed abuse cannot be hired in another program. Those in MassHealth programs deserve this same security.

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