

New Massachusetts Law Requires Registry as Safeguard Against Caretaker Abuse

Michael P. Norton, State House News Service

A state commission will assemble a confidential registry to protect individuals with intellectual and developmental disabilities from abusive caregivers, under a bill Gov. Charlie Baker signed Thursday.

The new law is often referred to by supporters as “Nicky’s Law,” a reference to a young, non-verbal man with autism who was abused by someone who was supposed to be caring for him. The legislation gained momentum in recent months following a sharp surge in abuse allegations made to the state.

Under the new law, which carries an effective date of Jan. 31, 2021, the Disabled Persons Protection Commission will establish and maintain a registry of care providers against whom the commission has made a “substantiated finding of registrable abuse.”

The law includes language outlining the ability of accused abusers to appeal and also requires the commission to notify the Department of Developmental Services, the last known employers of the care provider, and the victim of the abuse and their guardian of any finding of abuse, any appeal challenging an abuse determination, or any petition to remove a care provider from the registry.

It also requires the department and employers contracting with care providers to determine whether an individual is listed on the registry before hiring them. If the applicant is listed,

their hiring would be prohibited. The bill is set up to require that the names of abusers stay on the registry for a minimum of five years.

“Our community is grateful that Nicky’s law has completed its journey and is now law in the Commonwealth!” Leo Sarkissian, executive director of The Arc of Massachusetts, said Friday. “Persons with disabilities served through the Department of Developmental Services will be assured that individuals who have abused in the past won’t be able to hurt others again. We look forward to the full implementation of the registry with the awareness that it has the full support of the Administration and Legislature.”

Students who attend Massachusetts Association of Approved Private Schools member schools may be non-verbal and are “medically fragile,” the association said last month, applauding the bill’s advancement.

“Educating and caring for our students in a safe, supportive, and healthy environment is our top priority,” association board president Rita Gardner, who is also president and CEO of Melmark, said. “The Massachusetts Legislature has time and time again shown its support for our most vulnerable populations.”

There was a 30 percent increase in abuse allegations called into the commission’s hotline between 2013 and 2018, and a nearly 20 percent increase in allegations of sexual abuse against people with intellectual or developmental disabilities, commission director Nancy Alterio said in 2018.

During fiscal 2017, the commission screened 11,395 cases and determined that 2,571 of the cases warranted a complete investigation, according to the Arc of Massachusetts. The organization said 1,478 abuse reports were referred to the local district attorney’s office in 2017, and that 102 of the referrals resulted in criminal charges.