



**Office of
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For Immediate Release

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January 22, 2020

Representative Kane supports ‘Nicky’s Law’

Bill would establish a statewide registry to protect disabled from abusive caregivers

BOSTON – State Representative Hannah Kane, R-Shrewsbury is supporting the establishment of a statewide registry to help protect individuals with intellectual and developmental disabilities from abuse by their caregiver.

Senate Bill 2367, also known as “Nicky’s Law”, directs the Disabled Persons Protection Commission (DPPC) to create a confidential registry that will include the names of all care providers found to have abused a disabled individual. The bill was amended by the House of Representatives with the substitution of a new text – House Bill 4296 – and engrossed on a vote of 154-0 on January 15.

“Nicky’s Law helps uphold our duty as a Legislature to protect the most vulnerable members of our communities. I am proud to have co-sponsored this legislation and I am confident it is an important step towards ensuring the well-being of those living with intellectual and developmental disabilities in the Commonwealth,” remarked Representative Hannah Kane.

Nicky’s Law is named after Nicky Chan, a non-verbal individual who was beaten while attending a day program for people with intellectual disabilities in Millbury, Massachusetts. Nicky’s mother, Cheryl, has been advocating for the creation of a registry since learning there is currently no mechanism in place to prevent an accused abuser from being rehired elsewhere.

Under Nicky’s Law, the Department of Developmental Services (DDS) and employers will be required to consult the registry before hiring a caregiver, and prohibited from employing any person who is listed on the registry. Employers who fail to comply with the law could face a fine of up to \$5,000, the revocation of their license, the forfeiture of their state contract, or any combination of these penalties.

In addition to notifying DDS and the care provider’s last known employer of their placement on the registry, the DPPC will also be required to notify the care provider of their right to appeal the decision to the Division of Administrative Law Appeals. Individuals listed on the registry can petition the DPPC to remove their name 5 years after their initial placement on the registry or 5 years after the conclusion of any prior petition to remove their name, whichever is later.

In Fiscal Year 2019, the State Police Detective Unit assigned to the DPPC reviewed 13,102 allegations of abuse, with 2,214 of these reports referred to the District Attorneys for further review or assignment

for a criminal investigation. According to The Arc of Massachusetts, less than 10% of cases referred to District Attorneys actually result in charges against the abuser.

The Senate previously approved its own version of the caregiver registry on October 17, 2019. Both branches will now work to reconcile the differences between the two bills.

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