

HOUSE No. 1814

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

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 regarding the rights of persons receiving services through the Department of Mental Health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>

HOUSE No. 1814

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 1814) of Denise Provost and others relative to the rights of persons receiving services through the Department of Mental Health. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act regarding the rights of persons receiving services through the Department of Mental Health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 2: Section 23 of chapter 123 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by adding after the seventh paragraph the following
3 paragraphs:

4 Any person who believes that their aforementioned rights in clauses (a) to (f), inclusive
5 were violated may seek redress through the following procedure:

6 Any person alleging such violation shall file a written request for a hearing with the
7 Department stating facts regarding the right(s) violated and requesting a hearing based on the
8 alleged violation.

9 An impartial hearing officer shall select a hearing location convenient to the Department
10 and to the client and shall conduct the hearing, which shall be an adjudicatory proceeding
11 pursuant to section 11 of Chapter 30A, in not less than 10 business days and not later than 30

12 business days after the receipt of the request for the hearing. The client and the Department may
13 be represented by an attorney or other person and shall be afforded the opportunity to present
14 evidence, to examine adverse evidence and to examine and cross-examine witnesses.

15 Within 30 business days after the conclusion of the hearing, the hearing officer shall
16 prepare a written decision containing findings of fact and conclusions of law based on the
17 evidence received at the hearing. Said decision may order such remedial relief as necessary. If
18 the person is likely to be discharge in less than 30 days after admission, the hearing shall be held
19 within one business day of the issuance of the Department's finding and recommendations,
20 unless otherwise requested by the person complaining, and the hearing officer shall issue a
21 decision within one business day of the hearing. In both cases, the hearing officer shall submit
22 copies of the decision, together with notice of appeal rights, to the client and the Department.
23 The decision may be appealed to the superior court pursuant to section 14 of chapter 30A.