

HOUSE No. 3600

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Donaghue

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 relative to discharge from substance use disorder treatment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/18/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/27/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/27/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/6/2023</i>

HOUSE No. 3600

By Representative Donaghue of Westborough, a petition (accompanied by bill, House, No. 3600) of Kate Donaghue and others relative to discharge from substance use disorder treatment. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to discharge from substance use disorder treatment.

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

1 (a) Notwithstanding any general or special law, rule or regulation to the contrary, the
2 department of public health, in consultation with the bureau of substance addiction services
3 established in section 18 of chapter 17 of the General Laws, shall conduct a study on the
4 circumstances and effects of conducting an administrative discharge of a patient from a
5 substance use disorder treatment program subject to licensure or approval under sections 24 and
6 24D of chapter 90, sections 6 and 6A of chapter 111B and section 7 of chapter 111E. For the
7 purposes of this section, an “administrative discharge” shall mean a termination of treatment of a
8 patient for substance use disorder as determined by treatment provider staff, despite a lack of
9 maximal clinical improvement in the patient, due to a violation of an administrative rule of the
10 program.

11 (b) The study shall examine the standards used by a substance use disorder treatment
12 program in determining when to conduct an administrative discharge including, but not limited

13 to, any standard criteria, methodology or graduated sanctions in place based on staff and patient
14 safety and the level of treatment and severity of the symptoms of the patient. The study shall also
15 examine any options that a patient may have after an administrative discharge from a substance
16 use disorder treatment program including any programs or resources available to the patient and
17 the frequency that such options are provided to those patients. The study shall also examine the
18 applicability, availability and effectiveness of the regulations relative to the coordination of care
19 and management of discharge planning pursuant to section 19 of said chapter 17 for an
20 administrative discharge.

21 (c) The department of public health shall report and file its findings and
22 recommendations, including any legislation, with the clerks of the house of representatives and
23 senate not later than December 31, 2024.