

SENATE No. 1028

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 to provide more timely treatment of inpatient mental health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>

SENATE No. 1028

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1028) of Kenneth J. Donnelly, Jose F. Tosado, Mary S. Keefe, Barbara L'Italien and other members of the General Court for legislation to provide more timely treatment of inpatient mental health care. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

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

An Act to provide more timely treatment of inpatient mental health care.

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 1. Section 2 of chapter 123 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the word “facilities” the following
3 provision:-

4 (4) shall be developed in a manner consistent with available physician resources and in
5 accordance with national standards for providing evening and night coverage for hospitals.

6 SECTION 2. Section 5 of said chapter 123, as so appearing in, is hereby amended by
7 adding, in line 11, after the word “counsel.” the following:- “Such independent medical
8 examination, if requested by the indigent person or his counsel, shall be requested not more than
9 24 hours after the appointment of counsel and shall be completed within 3 business days after
10 such request for the independent medical examination.”;

11 and further, in line 14, by striking the words “unless counsel requests a delay”.

12 SECTION 3. Section 7 subsection c of said chapter 123, as so appearing in, is hereby
13 amended, in line 23, by striking the words “unless a delay is requested by the person or his
14 counsel”;

15 and further, in lines 25 and 26, by striking the words “unless a delay is requested by the
16 person or his counsel.”.

17 SECTION 4. Section 8B subsection c of said chapter 123, as so appearing in, is hereby
18 amended by striking, in line 20, the word “fourteen” and inserting therein the word “five”.

19 SECTION 5. Subsection (d) of Section 5-308 of chapter 190B of the General Laws, as
20 appearing in the 2012 Official Edition, is hereby amended by striking the second sentence and
21 inserting in its place the following:- “The court shall hear said motion as a de novo matter, as
22 expeditiously as possible; provided however for patients in inpatient mental health facilities said
23 hearing shall be conducted within 7 days of the filing of the petition and the notice required
24 under (c) of this section shall be adjusted accordingly.”

25 SECTION 6. Notwithstanding the provision of any general or special law, regular or
26 procedure to the contrary the Department of Children and Families, in conjunction with the Child
27 Advocate’s Office in the Executive Office of Health and Human Services shall develop a
28 facilitated process and time frame for the administration of antipsychotic medication for youths
29 in their custody who are hospitalized in inpatient psychiatric facilities.