

SENATE No. 1088

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>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>

SENATE No. 1088

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1088) of Kenneth J. Donnelly, Sean Garballey and James B. Eldridge for legislation to provide more timely treatment of inpatient mental health care. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 2014
2 Official Edition, is hereby amended by striking out, in line 12, the word “and”.

3 SECTION 2. Said section 2 of said chapter 123 is hereby further amended by inserting
4 after the word “facilities”, in lines 13 and 14, the following words:- , and (4) shall be developed
5 in a manner consistent with available physician resources and in accordance with national
6 standards for providing evening and night coverage for hospitals.

7 SECTION 3. Section 5 of said chapter 123, as so appearing, is hereby amended by
8 inserting after the word “counsel.”, in line 12, the following words:- Such independent medical
9 examination, if requested by the indigent person or his counsel, shall be requested not more than
10 24 hours after the appointment of counsel and shall be completed within 3 business days after
11 such request for the independent medical examination.

12 SECTION 4. Said section 5 of said chapter 123 is hereby further amended by striking
13 out, in line 15, the words:- unless counsel requests a delay.

14 SECTION 5. Section 7 of said chapter 123, as so appearing, is hereby amended by
15 striking out, in lines 24 and 25, the words “unless a delay is requested by the person or his
16 counsel”.

17 SECTION 6. Said section 7 of said chapter 123, as so appearing, is hereby further
18 amended by striking out, in lines 26 and 27, the words “unless a delay is requested by the person
19 or his counsel”.

20 SECTION 7. Section 8B of said chapter 123, as so appearing, is hereby amended by
21 striking out, in line 21, the word “fourteen” and inserting in place thereof the word:- “5”.

22 SECTION 8. Subsection (d) of section 5-308 of chapter 190B of the General Laws, as
23 appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence
24 and inserting in place thereof following sentence:- The court shall hear said motion as a de novo
25 matter, as expeditiously as possible; provided however, for patients in inpatient mental health
26 facilities, said hearing shall be conducted within 7 days of the filing of the petition and the notice
27 required under subsection (c) of this section shall be adjusted accordingly.

28 SECTION 9. Notwithstanding any general or special law, regulation or procedure to the
29 contrary, the department of children and families, in conjunction with the child advocate’s office
30 in the executive office of health and human services, shall develop a facilitated process and time
31 frame for the administration of antipsychotic medication for children in their custody who are
32 hospitalized in inpatient psychiatric facilities.