

HOUSE No. 1628

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

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 medical placement of terminal and incapacitated inmates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>

<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

HOUSE No. 1628

By Mr. Toomey of Cambridge, a petition (accompanied by bill, House, No. 1628) of Timothy J. Toomey, Jr., and others relative to the criteria for the release of terminally ill inmates to alternative locations of confinement. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1359 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to medical placement of terminal and incapacitated inmates.

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: Chapter 127 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 117A, the following new section:-

3 "Section 117B. The Commissioner of the Department of Correction or a Sheriff may
4 petition a Court of original jurisdiction for an Order permitting the transfer of a terminally ill or
5 permanently incapacitated inmate, as certified by the physician or director of medical care at the
6 correctional facility, to receive medically appropriate care at an alternative location, which shall
7 include a hospital, nursing facility, hospice program or other setting where the inmate may
8 receive hospice services from an entity licensed pursuant to section 57D of chapter 111, or
9 residential care facility, provided that the transfer is not inconsistent with public safety. The
10 Commissioner or Sheriff shall monitor all individuals transferred under this section and order the

11 return of the inmate to the correctional facility if at any time the physician or director of medical
12 services subsequently determines that the inmate does not have a terminal or permanently
13 incapacitating medical condition, or that care outside the correctional facility is not medically
14 appropriate."