

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis, (BY REQUEST)

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 ensure due process in mental health facilities.

PETITION OF:

NAME:

Caroline Mallary

DISTRICT/ADDRESS:

625 Main St #9 in Reading, 01867

SENATE No.

By Mr. Lewis (by request), a petition (accompanied by bill, Senate, No.) of Caroline Mallary for legislation to ensure due process in mental health facilities. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

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

An Act to ensure due process in mental health facilities.

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 1 of Chapter 123 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting the following new definitions:-

3 “Mental health facility”, any group home, therapeutic boarding school, therapeutic camp,
4 or any facility which provides significant mental health services, or employs or has a regular
5 business relationship with a significant number of mental health professionals, or employs or has
6 a regular business relationship with a prescriber of psychiatric medication who prescribes
7 psychiatric medication to residents.

8 "Significant mental health services", mental health services beyond those provided in a
9 standard public school.

10 "Significant number of mental health professionals", a number of mental health
11 professionals beyond that which could reasonably be employed by a standard public school of
12 comparable capacity to the facility.

13 SECTION 2. Chapter 123 of the General Laws, as appearing in the 2014 Official Edition,
14 is hereby amended by adding after Section 36B the following new section:-

15 Section 37. Any child who resides in a mental health facility shall be entitled to a hearing
16 as set forth in Section 9 of this chapter, regardless of the facility's licensing agency, unless the
17 child has been sentenced to reside in the facility as the result of a criminal conviction or the
18 facility is Bridgewater State Hospital.