

HOUSE No. 1952

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to providing appropriate medical care for persons 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. The first paragraph of Section 4 of chapter 123 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 22, 23 and 24,
3 the words “physical examination by a physician licensed under the provisions of chapter one
4 hundred and twelve” and inserting in place thereof the words:— comprehensive physical
5 examination by a physician licensed under the provisions of chapter one hundred and twelve
6 upon admission and.

7 SECTION 2. Said Section 4 of said chapter 123, as so appearing, is hereby further
8 amended by inserting after the first paragraph the following two paragraphs:—During an
9 admission examination, periodic physical examination and on a continuing basis, the examining
10 physician shall identify all persons who require intermediate nursing services, skilled nursing
11 services, chronic disease hospital services or rehabilitation hospital services, as referred to in the
12 regulations promulgated by the department of public welfare, regardless of any person’s need to
13 have such service provided in an institutional setting. Upon such identification, a report of the
14 same shall be made by such physician to the commissioner, who shall maintain statistical records

15 regarding such persons. The department of mental health shall provide an individual service plan
16 for every person so identified within thirty days of such identification, which plan shall be
17 written pursuant to the standards and procedures established in the rules and regulations of said
18 department, relative to the standards by which an individual may request and receive mental
19 health services and which shall note each of the person's physical health care needs. Each service
20 plan shall provide for services in the most age appropriate and disability appropriate setting
21 consistent with the mental health needs of each person.