

SENATE No. 303

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Psychotropic Medications..

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 111 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after section 72Z the following section:-

3 Section 72AA.

4 SECTION 1. Definitions.

5 The following definitions shall apply;

6 “psychotropic medication” is a chemical substance that acts primarily upon the central
7 nervous system where it alters brain function, resulting in temporary changes in perception,
8 mood, consciousness and behavior;

9 SECTION 2. Every resident in a nursing home, rest home, or other long term care facility
10 that is prescribed psychotropic medications, shall have the facility in which they reside, as well
11 as the prescribing physician, first obtain informed consent from the resident, the resident’s health
12 care proxy, and a court appointed Rogers guardian.

13 The facility shall then keep on record a written consent form between the resident and the
14 prescribing physician when prescribing psychotropic medications.

15 The secretary of elder affairs, shall promulgate further regulations to promote and protect
16 the interests and well being of residents in nursing homes, rest homes, and long-term care
17 facilities, including but not limited to timely notification to the resident and designated family
18 member or legal representative of relevant changes in resident care, posting of care and
19 communication standards in a clear and conspicuous manner, and process for distributing a copy
20 of all applicable rules and regulations to the resident, designated family member or legal
21 representative including a written acknowledgment of receipt.