

**HOUSE . . . . . No. 4023**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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An Act concerning the right of persons receiving services from programs or facilities of the Department of Mental Health to daily access to the outdoors.

*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 23 of Chapter 123 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after subparagraph (e) the following  
3 subparagraph:-

4           (f) reasonable daily access to the outdoors at inpatient facilities consistent with the ability  
5 of such facilities to safely provide access. The department shall promulgate rules and regulations  
6 defining what constitutes safe and reasonable access. This right shall attach upon admission to an  
7 inpatient facility. The initial exercise of this right shall be subject to an assessment by a clinician  
8 which shall be completed no more than 48 hours after admission. This right may be temporarily  
9 suspended for a person in an inpatient facility upon determination by a clinician pursuant to  
10 standards and procedures set forth in department regulations that such person's exercise of such  
11 right in the immediate future would present a substantial risk of serious harm to such person or  
12 others. The suspension shall last no longer than the time necessary to prevent the harm and its

13 imposition shall be documented with specific facts in such person's record. The signing of a  
14 three-day notice shall not constitute a basis for suspending the rights set forth in clause (f).

15 SECTION 2. Said section 23, as so appearing, is hereby further amended by striking out,  
16 in line 68, the word "(e)" and inserting the following word:- (f)