

**HOUSE . . . . . No. 4545**

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act relative to the treatment of mentally ill in prisons.

*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 127 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the definition of "Parole board" the  
3 following definitions: -

4           "Qualified mental health professional," treatment providers who are psychiatrists,  
5 psychologists, psychiatric social workers, psychiatric nurses, and others who by virtue of their  
6 education, credentials and experience are permitted by law to evaluate and care for the mental  
7 health needs of patients.

8           "Residential treatment unit," a general population housing unit within a correctional  
9 institution of the commonwealth that is operated for the purpose of providing treatment and  
10 rehabilitation for inmates with mental illness.

11           "Secure Treatment Unit," a maximum security residential treatment program designed to  
12 provide an alternative to segregation for inmates diagnosed with serious mental illness in  
13 accordance with clinical standards adopted by the department.

14           SECTION 2. Said chapter 127, as so appearing, is hereby further amended by inserting  
15 after section 17 the following section:

16           Section 17A. (a) The commissioner shall establish in correctional facilities of the  
17 commonwealth such programs including, but not limited to, residential treatment units, as are  
18 necessary for the treatment of mentally ill inmates confined therein who are in need of mental  
19 health services but who do not require hospitalization for the treatment of mental illness, as  
20 determined by a qualified mental health professional. Such inmates shall be offered therapy and

21 programming in settings that are appropriate to their clinical needs while maintaining the safety  
22 and security of the facility.

23 (b) All correctional staff who work in secure treatment units and residential treatment  
24 units shall receive mental health training. Such training may include information about the types  
25 and symptoms of mental illnesses, the goals of mental health treatment, medication and side  
26 effects, co-occurring disorders, de-escalation techniques and training in how to effectively and  
27 safely manage inmates with mental illness.

28 SECTION 3. Section 39 of said chapter 127, as so appearing, is hereby amended by  
29 striking out the first paragraph and inserting in place thereof the following paragraph:-

30 Except as provided in section 39A, at the request of the superintendent of any  
31 correctional institution of the commonwealth, the commissioner may authorize the transfer, for  
32 such period as the commissioner may determine, to a segregated unit within any correctional  
33 institution of the commonwealth, of any inmate whose continued retention in the general  
34 institution population is detrimental to the program of the institution.

35 SECTION 4. Said chapter 127, as so appearing, is hereby amended by inserting after  
36 section 39 the following section:

37 Section 39A. (a) Prior to placement in a segregated unit within a correctional institution  
38 of the commonwealth, all inmates shall be screened by a qualified mental health professional to  
39 determine whether the inmate has a serious mental illness in accordance with clinical standards  
40 adopted by the department, and whether there are any acute mental health contraindications to  
41 placement in a segregated unit. A qualified mental health professional shall make rounds in each  
42 such segregated unit and may conduct an out-of-cell meeting with any inmate for whom a  
43 confidential meeting is warranted in the clinician's professional judgment. Inmates in such  
44 segregated units shall be evaluated by a qualified mental health professional in accordance with  
45 clinical standards adopted by the department.

46 (b) Except in exigent circumstances that would create an unacceptable risk to the safety  
47 of any person, or where no secure treatment unit bed is available, segregated inmates diagnosed  
48 with serious mental illness in accordance with clinical standards adopted by the department shall  
49 not be housed in a segregated unit for more than 30 days, and shall be placed in a secure  
50 treatment unit. Such segregated inmates awaiting transfer to a secure treatment unit shall be  
51 offered additional mental health services in accordance with clinical standards adopted by the  
52 department.