HOUSE DOCKET, NO. 2597 FILED ON: 1/16/2015

HOUSE . . . . . No. 1799

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 provide more timely treatment of inpatient mental health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/16/2015*
Marcos A. Devers	*16th Essex*	*2/2/2015*
Mary S. Keefe	*15th Worcester*	*1/26/2015*
Angelo M. Scaccia	*14th Suffolk*	*1/22/2015*
Benjamin Swan	*11th Hampden*	*1/29/2015*

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HOUSE . . . . . No. 1799

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1799) of Kay Khan and others relative to inpatient mental health care treatment. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

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

An Act to provide more timely treatment of inpatient mental health care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 123 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after the word "facilities" the following provision:-

(4) shall be developed in a manner consistent with available physician resources and in accordance with national standards for providing evening and night coverage for hospitals.

SECTION 2. Section 5 of said chapter 123, as so appearing in, is hereby amended by adding, in line 11, after the word "counsel." the following:-

"Such independent medical examination, if requested by the indigent person or his counsel, shall be requested not more than 24 hours after the appointment of counsel and shall be completed within 3 business days after such request for the independent medical examination.";

and, in line 14, by striking the words "unless counsel requests a delay".

SECTION 3. Section 7 subsection c of said chapter 123, as so appearing in, is hereby amended, in line 23, by striking the words “unless a delay is requested by the person or his counsel”;

and, in lines 25 and 26, by striking the words “unless a delay is requested by the person or his counsel.”.

SECTION 4. Section 8B subsection c of said chapter 123, as so appearing in, is hereby amended by striking, in line 20, the word “fourteen” and inserting therein the word “five”.

SECTION 5. Subsection (d) of Section 5-308 of chapter 190B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the second sentence and inserting in its place the following:-

“The court shall hear said motion as a de novo matter, as expeditiously as possible; provided however for patients in inpatient mental health facilities said hearing shall be conducted within 7 days of the filing of the petition and the notice required under (c) of this section shall be adjusted accordingly.”

SECTION 6. Notwithstanding the provision of any general or special law, regular or procedure to the contrary the Department of Children and Families, in conjunction with the Child Advocate’s Office in the Executive Office of Health and Human Services shall develop a facilitated process and time frame for the administration of antipsychotic medication for youths in their custody who are hospitalized in inpatient psychiatric facilities.