

HOUSE No. 1804**The Commonwealth of Massachusetts**

PRESENTED BY:

Elizabeth A. Malia

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 protect children's mental health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/15/2015</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>10/1/2019</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/21/2015</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>1/26/2015</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>10/1/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>10/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>10/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>10/1/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>10/1/2019</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>10/1/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>10/1/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>10/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>10/1/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>10/1/2019</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>10/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>10/1/2019</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>10/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>10/1/2019</i>

<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>10/1/2019</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>	<i>10/1/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>10/1/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>10/1/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>10/1/2019</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>10/1/2019</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>10/1/2019</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>10/1/2019</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>10/1/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>10/1/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>10/1/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>10/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>10/1/2019</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>10/1/2019</i>

HOUSE No. 1804

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 1804) of Elizabeth A. Malia and others relative to mental health services for children. Mental Health and Substance Abuse.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1799 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act to protect children's mental health services.

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 18C of the General Laws is hereby amended in Section 1 by
2 inserting after the definition of “advisory board” the following definitions:—

3 ”Mental health disorder”, any mental, behavioral or emotional disorder described in the
4 most recent edition of the Diagnostic and Statistical Manual or DSM which substantially
5 interferes with or substantially limits the functioning and social interactions of a child or
6 adolescent

7 SECTION 2. Chapter 18C of the General Laws is hereby further amended in Section 2 by
8 adding at the end thereof the following:—

e. oversee the Children’s Mental Health Ombudsman Program, as described in sections 14 and 15.

SECTION 3. Chapter 18C of the General Laws is hereby further amended by adding at the end thereof the following sections:—

Section 14

(a) The Child Advocate, subject to appropriation or the receipt of federal funds, shall establish a statewide Children’s Mental Health Ombudsman Program for the purpose of advocating on behalf of children with behavioral health disorders, identifying barriers to effective mental health treatment and proposed solutions; monitoring and ensuring compliance with relevant statutes, regulations, rules and policies pertaining to children’s behavioral health services; and of receiving, investigating, resolving through administrative action, as described in paragraph (c), complaints filed by a child or by individuals legally authorized to act on behalf of a child or children or by any individual, organization or government agency that has reason to believe that any entity regulated by the Commonwealth or government agency has engaged in activities, practices and/or omissions that constitute violations of applicable court orders, statutes or regulations or that may have an adverse effect upon the health, safety, welfare and/or rights of children.

(b) The Child Advocate shall designate a staff person to act as the director of the ombudsman program who shall be a person qualified by training and experience to perform the duties of the office. The ombudsman shall not be subject to the provisions of Section 9A of Chapter 30 or Chapter 31. The Child Advocate, in consultation with the Secretary of Executive Office of Health and Human Services, Director of the Office of Medicaid, Commissioner of

Mental Health and Secretary of the Department of Education, shall establish policies and procedures as needed to facilitate compliance with the provisions of the ombudsman program. These policies and procedures shall include procedures for filing complaints, investigating complaints, and taking action to implement resolutions to these complaints, including the use of state agency enforcement authority to resolve complaints as recommended by the ombudsman.

(c) Investigations conducted by the ombudsman shall be subject to Sections 7, 8 and 12 of this Chapter.

Section 15. In order to ensure that the goals of the ombudsman program as described in section 14 are met:

(a) The ombudsman shall monitor the development and implementation of federal, state and local statutes, regulations and policies regarding services and supports for children with mental health disorders, including the education of these children;

(b) The ombudsman shall maintain complete records of complaints received, the actions taken, findings, outcomes, and recommendations in response to such complaints and other actions, including those taken by the government and private agency responses to serious complaints;

(c) Each month, the ombudsman shall send a report to each government agency about which a complaint or complaints were received by the ombudsman during the past month, listing the complaints involving that agency which were received during the past month, and shall meet regularly with the Child Advocate, the Secretary of Executive Office of Health and Human Services, Director of the Office of Medicaid, the Commissioner of Mental Health and the

Secretary of the Department of Education, and shall report on any system-wide problems that the ombudsman has identified, and potential solutions;

(d) The Child Advocate shall report annually, within 120 days of the end of the fiscal year, to the Governor, the Speaker of the House, the Senate President, the Joint Committee on Mental Health and Substance Abuse, the Joint Committee on Children, Families and Persons with Disabilities, the Joint Committee on Education, and the House and Senate Clerks on the activities of the Children's Mental Health Ombudsman Program, including complaints that are relevant to the ombudsman an analysis of patterns in complaints made through the ombudsman, and requests for assistance made through the Office of Patient Protection, the Department of Children and Families ombudsman and the Department of Mental Health Investigations Department, and shall make recommendations for legislation, policy or programmatic changes related to the protection of the rights of children with mental health disorders. These reports shall be publicly available and published on the Office of the Child Advocate website.

SECTION 4. The Child Advocate shall establish policies and procedures for performing the required activities of the Children's Mental Health Ombudsman Program.