

SENATE No. 369

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 relative to psychotropic medications.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 369

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 369) of Bruce E. Tarr for legislation relative to psychotropic medications. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 308 OF 2013-2014.]

The Commonwealth of Massachusetts

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

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. For the purpose of this section, “psychotropic medication” means
2 medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral
3 modification or behavioral management purposes is listed in AMA Drug Evaluations, latest
4 edition, or Physician's Desk Reference, latest edition, or which are administered for any of these
5 purposes.

6 No resident in a nursing home , rest home, or other long term care facility shall be
7 prescribed or administered, psychotropic medications, unless, the nursing home, rest home or
8 other long term facility, in which the resident resides and the prescribing physician shall have
9 first obtained, informed written consent from the resident, the resident’s health care proxy and
10 the resident's designated contact. If the resident has been declared incompetent and there is no

11 health care proxy nor designated contact, then the nursing home, rest home or long term care
12 facility shall obtain a court appointed Rogers guardian.

13 The prescribing physician shall discuss, with the resident, health care proxy, designated
14 contact and the court appointed Rogers guardian (if appointed) relative to the psychotropic
15 medication, and the attendant risks to such resident, at the time of the prescription. The
16 prescribing physician shall document both the conversation and the written consent form
17 outlining the possible side effects. Both documents shall be signed by the physician and the
18 resident, health care proxy, designated contact and the court appointed Rogers guardian (if
19 appointed). The facility shall then keep on record, the signed written consent form between the
20 resident, the resident's health care proxy, the resident's designated contact and the prescribing
21 physician in the resident's records at the facility.

22 In addition to any other penalty prescribed by law, a facility that is found to have violated
23 this subsection , or the federal certification requirement that informed consent be obtained before
24 administering a psychotropic medication shall thereafter be required to obtain the signatures of 2
25 licensed health care professionals on every form purporting to give informed consent for the
26 administration of a psychotropic medication certifying the personal knowledge of each health
27 care professional that the consent was obtained in compliance with the requirements of this
28 subsection.