

SENATE No. 843

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 medical placement of terminal and incapacitated inmates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>

<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>

SENATE No. 843

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 843) of Patricia D. Jehlen, Tricia Farley-Bouvier, Sonia Chang-Diaz, Chris Walsh and other members of the General Court for legislation relative to medical placement of terminal and incapacitated inmates. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1359 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to medical placement of terminal and incapacitated inmates.

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 127 of the General Laws is hereby amended by inserting after
2 section 117A, the following new section:-

3 Section 117B. The Commissioner of the Department of Correction or a Sheriff may
4 petition a Court of original jurisdiction for an Order permitting the transfer of a terminally ill or
5 permanently incapacitated inmate, as certified by the physician or director of medical care at the
6 correctional facility, to receive medically appropriate care at an alternative location, which shall
7 include a hospital, nursing facility, hospice program or other setting where the inmate may
8 receive hospice services from an entity licensed pursuant to section 57D of chapter 111, or
9 residential care facility, provided that the transfer is not inconsistent with public safety. The
10 Commissioner or Sheriff shall monitor all individuals transferred under this section and order the

11 return of the inmate to the correctional facility if at any time the physician or director of medical
12 services subsequently determines that the inmate does not have a terminal or permanently
13 incapacitating medical condition, or that care outside the correctional facility is not medically
14 appropriate.