

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

<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>

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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.