

HOUSE No. 4357

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act improving the mental health examination process of inmates at places of detention.

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. Section 1 of chapter 123 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking the definition of “Qualified psychiatric nurse
3 mental health clinical specialist” and inserting the following definitions:-

4 "Qualified advanced practice registered nurse", an advanced practice registered nurse
5 authorized to practice as a psychiatric certified nurse practitioner or a psychiatric clinical nurse
6 specialist under regulations promulgated pursuant to the provisions of section eighty B of chapter
7 one hundred and twelve, who is designated by and meets qualifications required by the
8 regulations of the department, provided that different qualifications may be established for
9 different purposes of this chapter. A qualified advanced practice registered nurse need not be an
10 employee of the department or of any facility of the department.

11 “Qualified psychiatric physician assistant”, a physician assistant authorized to practice as
12 such under regulations promulgated pursuant to the provisions of sections nine E to nine K of
13 chapter one hundred and twelve who is designated by and meets qualifications required by the

14 regulations of the department, who is practicing under the supervision of a psychiatrist, provided
15 that different qualifications may be established for different purposes of this chapter. A qualified
16 psychiatric physician assistant need not be an employee of the department or of any facility of
17 the department.

18 SECTION 2. Section 12 of chapter 123 of the General Laws, as so appearing, is hereby
19 amended by striking out, in lines 1-21, the words “qualified psychiatric nurse mental health
20 clinical specialist” in each instance that they occur, and inserting in place thereof the following:-
21 “qualified advanced practice registered nurse”.

22 SECTION 3. Section 18 of chapter 123 of the General Laws, as so appearing, is hereby
23 amended by striking out, in lines 6 and 7, the words “, designated by the department as qualified
24 to perform such examination”.

25 SECTION 4. Section 18 of chapter 123 of the General Laws, as so appearing, is hereby
26 further amended by striking out, in lines 6, 7 and 8, the words “physician or psychologist” and
27 inserting in place thereof the following words:- physician, psychologist, qualified advanced
28 practice registered nurse, or qualified psychiatric physician assistant

29 SECTION 5. Section 22 of chapter 123 of the General Laws, as so appearing, is hereby
30 amended by striking the words “qualified psychiatric nurse mental health clinical specialist” in
31 each instance that they occur, and inserting in place thereof the following:- “qualified advanced
32 practice registered nurse”