SENATE DOCKET, NO. 512 FILED ON: 1/17/2017

SENATE . . . . . No. 1084

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cynthia Stone Creem	*First Middlesex and Norfolk*	
John J. Lawn, Jr.	*10th Middlesex*	*1/30/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*1/31/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/31/2017*
James J. Dwyer	*30th Middlesex*	*1/31/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/2/2017*
Mary S. Keefe	*15th Worcester*	*2/2/2017*
Denise Provost	*27th Middlesex*	*2/2/2017*
Paul R. Heroux	*2nd Bristol*	*2/3/2017*
Thomas M. McGee	*Third Essex*	*2/3/2017*
Joan B. Lovely	*Second Essex*	*2/3/2017*
Michael J. Barrett	*Third Middlesex*	*3/8/2017*

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1084) of Cynthia S. Creem, John J. Lawn, Jr., Barbara A. L'Italien, Patrick M. O'Connor and other members of the General Court for legislation to transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act to transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of Chapter 19, as so appearing, is hereby amended by inserting "including the Bridgewater State Hospital" after the words "public facilities" in the first sentence of the first paragraph:–

SECTION 2. Section 7 of Chapter 19, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph: -

The commissioner shall have the responsibility for the operation and oversight of Bridgewater State Hospital and for providing, according to the rules and regulations of the department of mental health, all medical and mental health treatment for all men sent to that facility. The Commissioner will operate Bridgewater State Hospital in accordance with section 16A of this chapter, the provisions of chapter 123 and regulations of the department. The Commissioner shall provide forensic services for individuals committed for evaluation or

treatment pursuant to sections 15 through 18 of chapter 123, as well as continuing care inpatient services for individuals determined to require strict security in accordance with the regulations of the department.

SECTION 3. Section 18 of Chapter 125, as so appearing, is hereby repealed.

SECTION 4. Chapter 19 of the General Laws, as so appearing, is hereby amended by inserting after section 16A the following section:–

Section 16B. The department shall develop and maintain, in accordance with its standards, a division of forensic mental health services to provide forensic services that shall include, but shall not be limited to: court-ordered evaluations of competence to stand trial, criminal responsibility, and aid-in-sentencing; programs and services for restoration of competence for individuals who have been adjudicated incompetent to stand trial; evaluations of need for care and treatment for individuals who have been adjudicated incompetent to stand trial, not guilty by reason of mental illness or who are being held in correctional facilities or places of detention; the setting of standards for and certification of clinicians qualified to perform evaluations; and specialized risk assessment evaluations; and the establishment and maintenance of court clinics for the performance of clinical consultations and court-ordered evaluations. Forensic services may also include, but shall not be limited to: programs and services for police and pre-trial diversion; post adjudication alternatives to incarceration, including specialty court services; and re-entry.

The division shall give major consideration to the development of forensic health services that can be provided in the community or in settings other than an inpatient facility.

SECTION 5. Section 4 of Chapter 123, as so appearing, is hereby amended by striking the words “, or the medical director if said person is at the Bridgewater state hospital,” in the first sentence of the first paragraph.

SECTION 6. Section 4 of Chapter 123, as so appearing, is hereby amended by striking out the words in the second paragraph “or the medical director at the Bridgewater state hospital”.

SECTION 7. Section 4 of Chapter 123, as so appearing, is hereby amended by striking out in the third paragraph the words “or said medical director“.

SECTION 8. Section 7(b) of Chapter 123, as so appearing, is hereby amended by replacing it with the following

(b) The Commissioner of mental health, or with the approval of the commissioner of mental health, the superintendent of a facility, may petition the district court or the division of the juvenile court department in whose jurisdiction the facility is located for the commitment to the Bridgewater state hospital of any male patient at said facility when it is determined that the failure to hospitalize in strict security would create a likelihood of serious harm by reason of mental illness.

SECTION 9. Section 8B of Chapter 123, as so appearing, is amended by striking out the words in the first paragraph “or medical director of the Bridgewater state hospital”.

SECTION 10. Section 13 of Chapter 123, as so appearing, is hereby repealed.

SECTION 11. Section 14 of Chapter 123, as so appearing, is deleted and inserting in place thereof the following paragraph:

Whenever the failure to retain any person in strict security would not create a likelihood of serious harm by reason of mental illness but that such person is in need of further care and treatment in a facility, the superintendent shall submit a request to the commissioner for a transfer to another facility. The commissioner will approve transfer from Bridgewater to a designated facility. The Commissioner shall execute the transfer within thirty days of receipt of such request.

SECTION 12. Section 16(b) of Chapter 123, as so appearing, is amended by striking out the words in the first sentence “or the medical director of the Bridgewater state hospital”.

SECTION 13. Section 16(e) of Chapter 123, as so appearing, is amended by striking out the words “or medical director of Bridgewater state hospital”.

SECTION 14. Section 17(a) of Chapter 123, as so appearing, is amended by striking out the words “or the medical director of Bridgewater state hospital” and striking out the words “or medical director”.

SECTION 15 Section 17(a) of Chapter 123, as so appearing, is amended by striking the words “or medical director”.

SECTION 16. Section 18(a) of Chapter 123, as so appearing, is amended by striking out the words “and the medical director of the Bridgewater state hospital” and “; provided, however, that, notwithstanding the court's failure, after an initial hearing or after any subsequent hearing, to make a finding required for commitment to the Bridgewater state hospital, the prisoner shall be confined at said hospital if the findings required for commitment to a facility are made and if the commissioner of correction certifies to the court that confinement of the prisoner at said hospital is necessary to insure his continued retention in custody.”

SECTION 17. Section 18(c) of Chapter 123, as so appearing, is amended by striking out the words “or the medical director of the Bridgewater state hospital”.

SECTION 18. Section 21 of Chapter 123 of the General Laws, as so appearing, is hereby amended by striking out the twelfth paragraph and inserting in place thereof the following paragraph:–

A copy of the restraint form and any such attachments shall become part of the chart of the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of mental health who will review and sign them within thirty days. Statistical restraint records shall be kept for every facility and each designated physician, in a form and manner that will permit the commissioner to analyze and, if appropriate, request corrective action regarding the use of restraint in facilities under supervision and control of the department and all facilities licensed by it. Such data, excluding patient identification, shall be made available to the general public.

SECTION 19. Section 33 of chapter 123 of the General Laws, as so appearing, is hereby repealed.

SECTION 20. This Act shall be effective no later than July 1, 2017.