

SENATE No. 1212

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 aligning hospital licensure with community needs in addiction and behavioral health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/24/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/24/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>2/3/2017</i>

SENATE No. 1212

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1212) of John F. Keenan, Denise Provost, David M. Rogers, Barbara A. L'Italien and others for legislation to align hospital licensure with community needs in addiction and behavioral health. Public Health.

The Commonwealth of Massachusetts

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

An Act aligning hospital licensure with community needs in addiction and behavioral health.

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 51 of chapter 111 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “capacity” in line 30 the
3 following:-

4 “, and needs-based emergency stabilization and treatment capacity,”

5 SECTION 2. Said section 51 of said chapter 111, as so appearing, is hereby further
6 amended by inserting after the word “department” in line 32 the following:-

7 “; provided, that the department shall establish by regulation a minimum adequacy
8 standard for needs-based emergency stabilization and treatment capacity, where the term “needs-
9 based emergency stabilization and treatment capacity” shall mean capacity by an acute care
10 hospital to stabilize, admit and treat, or to secure placement into appropriate treatment for, any
11 patient presenting at the hospital’s emergency department with a mental or behavioral health or
12 substance addiction crisis, where such capacity is provided for either by the maintenance of

13 licensed beds by the hospital, or through a contractual agreement between the hospital and
14 another mental or behavioral health or substance use disorder treatment provider where such
15 contract reasonably guarantees a placement for that hospital's patients. In establishing said
16 standard, the department may rely upon its collection of data under section 51 ½ or other
17 measures of the volume and needs of patients presenting to emergency departments. The
18 commissioner may grant waivers to needs-based emergency stabilization and treatment capacity
19 requirements based on legitimate financial constraints demonstrated by the licensee and
20 confirmed by the center for health information and analysis”

21 SECTION 3. Sections 1 and 2 shall take effect on January 1, 2019