

SENATE No. 2284

The Commonwealth of Massachusetts

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

SENATE, Monday, February 5, 2018

The committee on Mental Health, Substance Use and Recovery to whom was referred the petition (accompanied by bill, Senate, No. 1110) of Kathleen O'Connor Ives for legislation relative to psychotropic medication,- reports the accompanying bill (Senate, No. 2284).

For the committee,
Cindy F. Friedman

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An Act relative to psychotropic medication.

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 72BB of Chapter 111 of the Massachusetts General Laws as so appearing in the
2 2016 Official Edition is hereby amended:

3 (d) Notwithstanding subsections (b) and (c) a facility may administer a scheduled
4 psychotropic medication without prior written informed consent in the following instances, (i) in
5 the case of an admission of a resident to a facility from an inpatient hospital in which the
6 resident had been prescribed and was receiving psychotropic medications pursuant to a valid
7 informed consent, (ii) in emergency situations, as defined by the Department of Public Health; or
8 (iii) in the case of residents on hospice care who need the immediate administration of
9 psychotropic medication to prevent extreme distress, discomfort and /or pain; provided,
10 however, that in instances in (i) or (ii), a facility shall obtain verbal informed consent prior to
11 administration, and written informed consent as soon as practicable, but no later than 72 hours,
12 following administration of a scheduled psychotropic medication. If written informed consent

- 13 cannot be obtained within the 72 hour period the dosage shall be reduced in a clinically
- 14 appropriate manner and documented to terminate the psychotropic medication..