

HOUSE No. 1702

The Commonwealth of Massachusetts

PRESENTED BY:

Gerard J. Cassidy

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 psychotropic medication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/17/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>

HOUSE No. 1702

By Mr. Cassidy of Brockton, a petition (accompanied by bill, House, No. 1702) of Gerard J. Cassidy, Kay Khan and Michael D. Brady relative to administering scheduled psychotropic medications without prior written consent at nursing homes, rest homes or other long-term care facilities. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3204 OF 2017-2018.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court
(2019-2020)**
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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 140 of Chapter 165 of the General Laws, as appearing in the 2014 Official
2 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, or when a facility is not able to obtain an informed consent in writing prior to
8 or at the time of admission to the facility or (ii) in emergency situations, as defined by the
9 Department of Public Health; or (iii) in the case of residents on hospice care who need the

10 immediate administration of psychotropic medication to prevent extreme distress, discomfort and
11 /or pain; provided, however, that in instances in (i) or (ii), a facility shall obtain verbal informed
12 consent prior to administration, and written informed consent as soon as practicable, but no later
13 than 3 consecutive calendar days, following administration of a scheduled psychotropic
14 medication. If written informed consent cannot be obtained within the three-day period the
15 dosage shall be reduced in a clinically appropriate manner and documented to terminate the
16 psychotropic medication. "