

HOUSE No. 1729

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 provide more timely treatment of inpatient mental health care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/15/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/24/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/29/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/25/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/30/2019</i>

HOUSE No. 1729

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1729) of Kay Khan and others relative to inpatient mental health care treatment. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1071 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to provide more timely treatment of inpatient mental health care.

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 2 of chapter 123 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word “facilities” the following
3 provision:-

4 (4) shall be developed in a manner consistent with available physician resources and in
5 accordance with national standards for providing evening and night coverage for hospitals.

6 SECTION 2. Section 5 of said chapter 123, as so appearing in, is hereby amended by
7 adding, in line 12, after the word “counsel.” the following:-

8 “Such independent medical examination, if requested by the indigent person or his
9 counsel, shall be requested not more than 24 hours after the appointment of counsel and shall be
10 completed within 3 business days after such request for the independent medical examination.”;

11 and, in line 15, by striking the words “unless counsel requests a delay”.

12 SECTION 3. Section 7 subsection c of said chapter 123, as so appearing in, is hereby
13 amended, in lines 24 and 25, by striking the words “unless a delay is requested by the person or
14 his counsel”;

15 and, in lines 26 and 27, by striking the words “unless a delay is requested by the person
16 or his counsel.”.

17 SECTION 4. Section 8B subsection c of said chapter 123, as so appearing in, is hereby
18 amended by striking, in line 21, the word “fourteen” and inserting therein the word “five”.

19 SECTION 5. Subsection (d) of Section 5-308 of chapter 190B of the General Laws, as
20 appearing in the 2016 Official Edition, is hereby amended by striking the second sentence and
21 inserting in its place the following:-

22 “The court shall hear said motion as a de novo matter, as expeditiously as possible;
23 provided however for patients in inpatient mental health facilities said hearing shall be conducted
24 within 7 days of the filing of the petition and the notice required under (c) of this section shall be
25 adjusted accordingly.”

26 SECTION 6. Notwithstanding the provision of any general or special law, regular or
27 procedure to the contrary the Department of Children and Families, in conjunction with the Child
28 Advocate’s Office in the Executive Office of Health and Human Services shall develop a

- 29 facilitated process and time frame for the administration of antipsychotic medication for youths
- 30 in their custody who are hospitalized in inpatient psychiatric facilities.