HOUSE DOCKET, NO. 683 FILED ON: 1/14/2019

HOUSE . . . . . No. 3369

The Commonwealth of Massachusetts

PRESENTED BY:

Marc T. Lombardo

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 titled Justina's law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Marc T. Lombardo	*22nd Middlesex*	*1/14/2019*
Shaunna L. O'Connell	*3rd Bristol*	*1/31/2019*

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HOUSE . . . . . No. 3369

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 3369) of Marc T. Lombardo and Shaunna L. O'Connell relative to indemnifying parents and legal guardians who have followed medical care recommended by a licensed medical or mental health provider. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *900* OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act titled Justina's law.

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:

Massachusetts General Laws Chapter 119 be amended to add the following new section 51I:

51I: (a) A parent or legal guardian shall not be charged with abusing or neglecting a child's need for medical care if:

(i) the parent or legal guardian has sought medical care for the child from a licensed medical or mental health provider;

(ii) the licensed medical or mental health provider has made a diagnosis;

(iii) the licensed medical or mental health provider has prescribed a lawful course of treatment; and

(iv) the parent or legal guardian is following or willing to follow the recommended course of treatment.

(b) No mandatory reporter, as defined in Section 21 of this Chapter, shall file a report of abuse or neglect under Section 51 of this Chapter based solely on a parent's or legal guardian's decision to follow the recommended treatment of a licensed medical or mental health provider. A parent or legal guardian has the right to follow the advice and treatment plan of a licensed medical or mental health provider over a contrary opinion or recommended treatment plan of another licensed medical or mental health provider when the decision does not involve immediate life-threatening conditions. Even in the case of life-threatening conditions, the decision of the parent or legal guardian to follow the advice or treatment plan of a licensed medical or mental health provider shall not be overridden unless there is clear and convincing evidence to the contrary.