

**SENATE . . . . . No. 1142**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Diana DiZoglio***

*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:

*Diana DiZoglio*

DISTRICT/ADDRESS:

*First Essex*

**SENATE . . . . . No. 1142**

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By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 1142) of Diana DiZoglio for legislation 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.

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

**The Commonwealth of Massachusetts**

—————  
**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 Massachusetts General Laws as so appearing in the  
2   2014 Official Edition is hereby amended:

3           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."