

SENATE No. 1135

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>1/24/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>1/31/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/1/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>4/12/2019</i>

SENATE No. 1135

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1135) of Cynthia Stone Creem, Ruth B. Balser, John F. Keenan, Lindsay N. Sabadosa and other members of the General Court for legislation to transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health. Mental Health, Substance Use and Recovery.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1084 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act to transfer Bridgewater State Hospital from the Department of Corrections to the Department of Mental Health.

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 7 of Chapter 19, as appearing in the 2016 Official Edition, is hereby
2 amended by inserting, in line 3, after the words "health facilities, the following new language:- “,
3 including the Bridgewater State Hospital,”:-

4 SECTION 2. Section 7 of Chapter 19, as so appearing, is hereby amended by inserting
5 after the first paragraph the following paragraph:

6 The commissioner shall have the responsibility for the operation and oversight of
7 Bridgewater State Hospital and for providing, according to the rules and regulations of the
8 department of mental health, all medical and mental health treatment for all men sent to that

9 facility. The Commissioner will operate Bridgewater State Hospital in accordance with section
10 16A of this chapter, the provisions of chapter 123 and regulations of the department. The
11 Commissioner shall provide forensic services for individuals committed for evaluation or
12 treatment pursuant to sections 15 through 18 of chapter 123, as well as continuing care inpatient
13 services for individuals determined to require strict security in accordance with the regulations of
14 the department.

15 SECTION 3. Section 18 of Chapter 125, as so appearing, is hereby repealed.

16 SECTION 4. Chapter 19 of the General Laws, as so appearing, is hereby amended by
17 inserting after section 16A the following section:—

18 Section 16B. The department shall develop and maintain, in accordance with its
19 standards, a division of forensic mental health services to provide forensic services that shall
20 include, but shall not be limited to: court-ordered evaluations of competence to stand trial,
21 criminal responsibility, and aid-in-sentencing; programs and services for restoration of
22 competence for individuals who have been adjudicated incompetent to stand trial; evaluations of
23 need for care and treatment for individuals who have been adjudicated incompetent to stand trial,
24 not guilty by reason of mental illness or who are being held in correctional facilities or places of
25 detention; the setting of standards for and certification of clinicians qualified to perform
26 evaluations; and specialized risk assessment evaluations; and the establishment and maintenance
27 of court clinics for the performance of clinical consultations and court-ordered evaluations.
28 Forensic services may also include, but shall not be limited to: programs and services for police
29 and pre-trial diversion; post adjudication alternatives to incarceration, including specialty court
30 services; and re-entry.

31 The division shall give major consideration to the development of forensic health services
32 that can be provided in the community or in settings other than an inpatient facility.

33 SECTION 5. Section 4 of Chapter 123, as so appearing, is hereby amended by striking
34 the words “, or the medical director if said person is at the Bridgewater state hospital,” in the first
35 sentence of the first paragraph.

36 SECTION 6. Section 4 of Chapter 123, as so appearing, is hereby amended by striking
37 out the words in the second paragraph “or the medical director at the Bridgewater state hospital”.

38 SECTION 7. Section 4 of Chapter 123, as so appearing, is hereby amended by striking
39 out in the third paragraph the words “or said medical director”.

40 SECTION 8. Section 7(b) of Chapter 123, as so appearing, is hereby amended by
41 replacing it with the following

42 (b) The Commissioner of mental health, or with the approval of the commissioner of
43 mental health, the superintendent of a facility, may petition the district court or the division of
44 the juvenile court department in whose jurisdiction the facility is located for the commitment to
45 the Bridgewater state hospital of any male patient at said facility when it is determined that the
46 failure to hospitalize in strict security would create a likelihood of serious harm by reason of
47 mental illness.

48 SECTION 9. Section 8B of Chapter 123, as so appearing, is amended by striking out the
49 words in the first paragraph “or medical director of the Bridgewater state hospital”.

50 SECTION 10. Section 13 of Chapter 123, as so appearing, is hereby repealed.

SECTION 11. Section 14 of Chapter 123, as so appearing, is deleted and inserting in place thereof the following paragraph:

Whenever the failure to retain any person in strict security would not create a likelihood of serious harm by reason of mental illness but that such person is in need of further care and treatment in a facility, the superintendent shall submit a request to the commissioner for a transfer to another facility. The commissioner will approve transfer from Bridgewater to a designated facility. The Commissioner shall execute the transfer within thirty days of receipt of such request.

SECTION 12. Section 16(b) of Chapter 123, as so appearing, is amended by striking out the words in the first sentence “or the medical director of the Bridgewater state hospital”.

SECTION 13. Section 16(e) of Chapter 123, as so appearing, is amended by striking out the words “or medical director of Bridgewater state hospital”.

SECTION 14. Section 17(a) of Chapter 123, as so appearing, is amended by striking out the words “or the medical director of Bridgewater state hospital” and striking out the words “or medical director”.

SECTION 15 Section 17(a) of Chapter 123, as so appearing, is amended by striking the words “or medical director”.

SECTION 16. Section 18(a) of Chapter 123, as so appearing, is amended by striking out the words “and the medical director of the Bridgewater state hospital” and “; provided, however, that, notwithstanding the court's failure, after an initial hearing or after any subsequent hearing, to make a finding required for commitment to the Bridgewater state hospital, the prisoner shall

72 be confined at said hospital if the findings required for commitment to a facility are made and if
73 the commissioner of correction certifies to the court that confinement of the prisoner at said
74 hospital is necessary to insure his continued retention in custody.”

75 SECTION 17. Section 18(c) of Chapter 123, as so appearing, is amended by striking out
76 the words “or the medical director of the Bridgewater state hospital”.

77 SECTION 18. Section 21 of Chapter 123 of the General Laws, as so appearing, is hereby
78 amended by striking out the twelfth paragraph and inserting in place thereof the following
79 paragraph:—

80 A copy of the restraint form and any such attachments shall become part of the chart of
81 the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of
82 mental health who will review and sign them within thirty days. Statistical restraint records shall
83 be kept for every facility and each designated physician, in a form and manner that will permit
84 the commissioner to analyze and, if appropriate, request corrective action regarding the use of
85 restraint in facilities under supervision and control of the department and all facilities licensed by
86 it. Such data, excluding patient identification, shall be made available to the general public.

87 SECTION 19. Section 33 of chapter 123 of the General Laws, as so appearing, is hereby
88 repealed.

89 SECTION 20. This Act shall be effective no later than December 31, 2019.