

HOUSE No. 2070

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>2/17/2021</i>

HOUSE No. 2070

By Mr. Cassidy of Brockton, a petition (accompanied by bill, House, No. 2070) of Gerard J. Cassidy 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. 1702 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 resident
6 had been prescribed and was receiving psychotropic medications pursuant to a valid informed
7 consent, or when a facility is not able to obtain an informed consent in writing prior to or at the
8 time of admission to the facility or (ii) in emergency situations, as defined by the Department of
9 Public Health; or (iii) in the case of residents on hospice care who need the immediate

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