

SENATE No. 1270

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Cronin, (BY REQUEST)

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 ensure due process in mental health facilities that are not licensed by the Department of Mental Health.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Michael Mallary

SENATE No. 1270

By Mr. Cronin (by request), a petition (accompanied by bill, Senate, No. 1270) of Michael Mallary for legislation to ensure due process in mental health facilities that are not licensed by the Department of Mental Health. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

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

An Act to ensure due process in mental health facilities that are not licensed by 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 Any child who resides in a mental health facility, as here defined, shall be entitled to a
2 hearing as set forth in MGL123:9, regardless of the facility's licensing agency, unless the child
3 has been sentenced to reside in the facility as the result of a criminal conviction, or the facility is
4 Bridgewater State Hospital.

5 Mental health facility: Any group home, therapeutic boarding school, therapeutic camp,
6 or any facility which provides significant mental health services, or employs or has a regular
7 business relationship with a significant number of mental health professionals, or employs or has
8 a regular business relationship with a prescriber of psychiatric medication who prescribes
9 psychiatric medication to residents. "Significant mental health services" shall be defined as
10 mental health services beyond those provided in a standard public school. "Significant number of
11 mental health professionals" shall be defined as a number of mental health professionals beyond

- 12 that which could reasonably be employed by a standard public school of comparable size to the
- 13 facility.