HOUSE DOCKET, NO. 423 FILED ON: 1/11/2013

HOUSE . . . . . No. 1789

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 passage of the accompanying:

An Act relative to mental health services in Massachusetts correctional institutions, houses of correction and jails.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Denise Andrews	*2nd Franklin*
Ruth B. Balser	*12th Middlesex*
Marcos A. Devers	*16th Essex*
Stephen L. DiNatale	*3rd Worcester*
Gloria L. Fox	*7th Suffolk*
Sean Garballey	*23rd Middlesex*
Patricia D. Jehlen	*Second Middlesex*
Peter V. Kocot	*1st Hampshire*
Elizabeth A. Malia	*11th Suffolk*
John W. Scibak	*2nd Hampshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Ellen Story	*3rd Hampshire*
Timothy J. Toomey, Jr.	*26th Middlesex*

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1789) of Kay Khan and others relative to mental health examinations and services for inmates of certain correctional institutions in the Commonwealth. Mental Health and Substance Abuse.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1422* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to mental health services in Massachusetts correctional institutions, houses of correction and jails.

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. Chapter 126 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after section 27, the following new section:

Section 28. Mental Health Examinations and Services.

The sheriff shall ensure that each person admitted to a county correctional facility, including a house of correction or jail, shall have access to mental health care consistent with his or her needs. Mental health care shall include but not be limited to suicide screening, mental health and substance abuse screening upon admission or transfer to a facility; mental health assessment within two weeks of admission or transfer and periodically thereafter; a comprehensive mental health evaluation within a time frame appropriate to the level or urgency; suicide prevention; crisis intervention; an individualized plan of care; psychiatric services, including medication and medication monitoring; individual and group psychotherapy; evaluation for transfer to a mental health facility; and discharge planning, including referral to appropriate mental health services at the time of release and sufficient medication for continued treatment until enrollment in a public or private health plan.

a. Each such correctional facility shall comply with the principles and guidelines of the current version of the American Psychiatric Association Task Force Report on Psychiatric

17 Services in Jails and Prisons, or such higher standards as the sheriff may require, with respect to
18 the provision of mental health care.

19 b. The department of mental health shall inspect each such correctional facility at least
20 annually to determine compliance with this section. The commissioner of mental health shall
21 make a report of the findings and any recommendations from each inspection to the sheriff,
22 including any recommendations for revisions to the standards for the provision of mental health
23 care.

24 c. The sheriff shall require in each such correctional facility training of administrative,
25 health care, and correctional staff including but not limited to the symptoms of chronic and
26 persistent mental illnesses such as major depression, bipolar disorder, obsessive compulsive
27 disorder, schizophrenia, and Borderline Personality Disorder; the medications used to treat these
28 illnesses, the side effects of the medications, the types and causes of self-mutilation and
29 strategies for dealing with mentally ill inmates in crisis. The sheriff shall develop protocols for
30 said training in cooperation with the commissioner of mental health.

31 d. The commissioner of mental health shall file an annual report of its inspections of
32 mental health care in county correctional facilities for the prior year, including any
33 recommendations, with the secretary of public safety, the secretary of health and human services,
34 the commissioner of corrections, each sheriff, the house and senate committees on ways and
35 means, the joint committee on health care financing, the joint committee on mental health and
36 substance abuse and the legislative mental health caucus.

37 SECTION 2. Chapter 127 of the General Laws, as appearing in the 2000 Official
38 Edition, is hereby amended by inserting, after section 17, the following new section:

39 Section 17A. Mental Health Examinations and Services.

40 The commissioner shall ensure that each person admitted to a state correctional facility
41 shall have access to mental health care consistent with his or her needs. Mental health care shall
42 include but not be limited to suicide screening, mental health and substance abuse screening
43 upon admission or transfer and periodically thereafter; a comprehensive mental health evaluation
44 within a time frame appropriate to the level of urgency; suicide prevention; crisis intervention; an
45 individualized plan of care; psychiatric services, including medication and medication
46 monitoring; individual and group psychotherapy; evaluation for transfer to a mental health
47 facility; and discharge planning, including referral to appropriate mental health services at the
48 time of release and sufficient medication for continued treatment until enrollment in a public or
49 private health plan.

50 a. Each such correctional facility shall comply with the principles and guidelines of the
51 current version of the American Psychiatric Association Task Force Report on Psychiatric

52 Services in Jails and Prisons, or such higher standards as the sheriff may require, with respect to
53 the provision of mental health care.

54 b. The department of mental health shall inspect each such correctional facility at least
55 annually to determine compliance with this section. The commissioner of mental health shall
56 make a report of the findings and any recommendations from each inspection to the sheriff,
57 including any recommendations for revisions to the standards for the provision of mental health
58 care.

59 c. The commissioner shall require in each such correctional facility training of
60 administrative, health care, and correctional staff including but not limited to the symptoms of
61 chronic and persistent mental illnesses such as major depression, bipolar disorder, obsessive
62 compulsive disorder, schizophrenia, and Borderline Personality Disorder; the medications used
63 to treat these illnesses, the side effects of the medications, the types and causes of self-mutilation
64 and strategies for dealing with mentally ill inmates in crisis. The commissioner shall develop
65 protocols for said training in cooperation with the commissioner of mental health.

66 d. The commissioner of mental health shall file an annual report of its inspections of
67 mental health care in state correctional facilities for the prior year, including any
68 recommendations, with the secretary of public safety, the secretary of health and human services,
69 the commissioner of correction, each sheriff, the house and senate committees on ways and
70 means, the joint committee on health care financing, the joint committee on mental health and
71 substance abuse and the legislative mental health caucus.