HOUSE DOCKET, NO. 3414 FILED ON: 1/21/2011

HOUSE . . . . . No. 2881

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 to provide services for medically ill and mentally ill persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*

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HOUSE . . . . . No. 2881

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2881) of Angelo M. Scaccia for legislation to provide services for medically ill and mentally ill persons. Mental Health and Substance Abuse.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1953* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to provide services for medically ill and mentally ill persons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 19 of the Mass. General Laws is hereby amended by adding, after section one,
2 the following new section: — At least the first twelve and one-half percent of any placements of
3 persons in new department of mental health adult community residential programs receiving
4 operating funds within a fiscal year, including but not limited to placements in existing
5 community residential programs which are not yet operational, shall be provided in community
6 residential programs with medical/nursing care components for persons requiring both long-term
7 mental health services and at least intermediate nursing care services, as defined in the
8 regulations of the department of transitional assistance, regardless of any person's need to have
9 such services provided in an institutional setting, until such time that at least one hundred sixty
10 such placements in community residential programs with medical/nursing care components are
11 provided and maintained, as required by the comprehensive statewide plan developed pursuant to
12 Section 79 of Chapter 169 of the Acts of 1987. In the event that twelve and one-half percent of
13 the new community residential placements funded equals an amount adequate to provide only a
14 fractional portion of, or a whole number plus a fractional portion of, the operating or capital
15 funds necessary to fund a whole number of community residential programs with
16 medical/nursing care components, the department shall provide all additional amount adequate to
17 fund the next higher whole number of community residential programs with medical/nursing
18 care components. For each department of mental health inpatient bed that is closed during a
19 fiscal year, commencing with fiscal year two thousand and twelve, at the Hadley building at

20 Westborough state hospital, the Worcester geriatric unit at Worcester state hospital, and at any
21 other department of mental health inpatient unit(s) composed entirely or almost entirely of
22 clients with intermediate, skilled or chronic disease hospital level nursing care needs, an amount
23 equal to the per diem cost of operating such bed multiplied by the number of days of the fiscal
24 year during which the bed is closed, shall be transferred from the department of mental health
25 5095-0015 account to the 5046-0000 account for the purpose of funding the operation of
26 community residential programs with medical/nursing components as required under said
27 comprehensive statewide plan, and shall be annualized in subsequent fiscal years in the 5046-
28 0000 account. The department of mental health shall create a master plan to develop at least one
29 hundred sixty community residential placements with medical/ nursing care components,
30 assuming five-year implementation, starting with fiscal year 2011, and requiring the
31 development of at least thirty-two placements per year, subject to appropriation. The Department
32 of Mental Health shall submit the master plan to the house and senate committees on ways and
33 means on December 31, 2012 and shall submit a report regarding implementation of the master
34 plan, adjusted if necessary based on the prior or current fiscal year appropriation, quarterly
35 thereafter. Such plan shall require that programs be comparable in size to other department of
36 mental health community residential programs, and geographically spread throughout the
37 department of mental health regions in the commonwealth. Such plan and quarterly reports shall
38 designate, by department of mental health region, the types of programs to be developed each
39 year, the level of medical/nursing care to be provided on site at each program, the projected
40 starting date for each program, the number of clients in each program, and the names of clients
41 projected for placement in each program. The department shall keep a separate waiting list of
42 persons waiting for community residential placements with medical/ nursing care components.
43 Such list shall be developed by December 31, 2012, and updated monthly.