

By Mrs. Padula, a petition (accompanied by bill, Senate, No. 590) of Mary L. Padula, Argeo Paul Cellucci, Peter C. Webber and Augusta Hornblower for legislation relative to the treatment of mentally ill and mentally retarded persons. Human Services and Elderly Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Eight.

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AN ACT RELATIVE TO THE TREATMENT OF MENTALLY ILL AND RETARDED 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 SECTION 1. Section 1 of Chapter 123 of the General Laws,  
2 as appearing in the 1984 Official Edition of the General Laws of  
3 Massachusetts, is hereby amended by striking out in lines 22-26,  
4 inclusive, the words "a very substantial risk of physical  
5 impairment or injury to the person himself as manifested by  
6 evidence that such person's judgment is so affected that he is  
7 unable to protect himself in the community and that reasonable  
8 provision for his protection is not available in the community,"  
9 and inserting in place thereof the following words: — the person  
10 substantially unable to provide for some of his basic needs, such  
11 as food, clothing, shelter, health or safety, or will, if not treated,  
12 suffer or continue to suffer severe and abnormal mental, emo-  
13 tional, or physical distress and this distress is associated with  
14 significant impairment of judgment, reason, or behavior causing  
15 a substantial deterioration of his previous ability to function on  
16 his own.

1 SECTION 2. Section 8 of Chapter 123 of the General Laws,  
2 as appearing in the 1984 Official Edition of the General Laws of  
3 Massachusetts, is hereby amended by inserting after subsection  
4 (f) the following subsection: —

5 (g) If the court finds that a treatment program other than  
6 hospitalization is adequate to meet the person's treatment needs,  
7 the Court may order the patient to receive whatever treatment  
8 other than hospitalization is appropriate. The release of such  
9 patient to outpatient treatment is upon the condition that, if the  
10 patient fails to follow through with or respond to such treatment  
11 he may be returned to inpatient treatment for the remainder of  
12 the operative period or commitment.