

By Mr. Albano, a petition (accompanied by bill, Senate, No. 550) of Salvatore R. Albano, David B. Cohen, Mary L. Padula, John W. Olver, Michael J. Barrett, John Patrick Houston and Richard A. Kraus for legislation to further the provisions of community services in the Department of Mental Health, Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO FURTHER THE PROVISIONS OF COMMUNITY SERVICES.

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 4 of Chapter 123 of the General Laws,
2 as appearing in Section 38 of Chapter 599 of the Acts of 1986,
3 is hereby amended by inserting after the first sentence the
4 following: — “The periodic review shall be conducted pursuant
5 to the uniform standards and procedures for individual service
6 plans, as set forth in the regulations of the department.”

1 SECTION 2. Section 4 of said Chapter 123 is hereby amended
2 by striking out in the third sentence of the third paragraph the
3 words “who is no longer in need of care as an inpatient shall be
4 discharged or placed on interim community leave” and inserting
5 in place thereof the words: — “who no longer requires continued
6 hospitalization shall be discharged and provided treatment and
7 support in an appropriate community setting, as set forth in the
8 person’s individual service plan.”

1 SECTION 3. The department of mental health shall report to
2 the house and senate committees on ways and means and the joint
3 committee on human services and elderly affairs annually the
4 number of individual service plans developed; the number and
5 type of services implemented pursuant to the individual service
6 plans; the number of persons for whom individual service plans
7 have yet to be developed; related expenditures; and other

8 information pertinent to the implementation of the individual
9 service plans. Each such report shall be filed by July thirty-first
10 of each year.

1 SECTION 4. Section 4 of Chapter 123B of the General Laws,
2 as appearing in Section 39 of Chapter 599 of the Acts of 1986,
3 is hereby amended by inserting after the first sentence the
4 following: — “The periodic review shall be conducted pursuant
5 to the uniform standards and procedures for individual service
6 plans, as set forth in the regulations of the department.”

1 SECTION 5. Section 4 of said Chapter 123B is hereby
2 amended by inserting at the end of the second paragraph the
3 following: — “If the person is no longer in need of care as a
4 resident, he shall be discharged and provided habilitation and
5 support in an appropriate community setting, as set forth in the
6 person’s individual service plan.”

1 SECTION 6. The department of mental retardation shall
2 report to the house and senate committees on ways and means
3 and the joint committee on human services and elderly affairs
4 annually the number of individual service plans developed; the
5 number and type of services implemented pursuant to the
6 individual service plans; the number of persons for whom
7 individual service plans have yet to be developed; related
8 expenditures; and other information pertinent to the implemen-
9 tation of the individual service plans. Each such report shall be
10 filed by July thirty-first of each year.

1 SECTION 7. The departments of mental health and mental
2 retardation shall develop and begin to implement individual
3 service plans for all persons residing within each department’s
4 facilities, provided all such individual service plans are developed
5 by December 31, 1989. Provided further that the departments of
6 mental health and mental retardation shall submit a plan for
7 implementation by June 30, 1990. Said plan shall require that
8 thirty-three percent of said individual service plans be im-
9 plemented by June 30, 1991; sixty-six percent by June 30, 1992;
10 and one hundred percent by June 30, 1993.