HOUSE . . . . . No. 2251

By Mr. Flaherty of Cambridge, petition of Charles F. Flaherty, Jr., relative to broadening the powers of community mental health and retardation area boards. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT BROADENING THE POWERS OF COMMUNITY MENTAL HEALTH AND RETARDATION AREA BOARDS.

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. Section 2 of chapter 19 of the General Laws, as most recently amended by chapter 859 of the Acts of 1971, is hereby further amended by inserting after the fifth paragraph of said section the following paragraph:

"The annual report shall also include the annual area plans and proposed annual area budgets for the operation and development of mental health and mental retardation programs required by section 18; the proposed annual budgets of the public residential and care and treatment facilities of the department; and plans for maximizing utilization of federal funding sources. The proposed annual area budgets shall be set forth (1) as approved by the area board, (2) as submitted to the regional mental health administrator, (3) as submitted to the commissioner for inclusion in the final departmental budget, and (4) as set forth in the final departmental budget submitted to the budget director. "Sufficient copies of the annual report shall be made available by the Commissioner as a public document upon request at the central, regional, and area offices of the Department of Mental Health."

SECTION 2. Section 18 of chapter 19 of the General Laws, as most recently amended by chapter 838 of the Acts of 1971, is

hereby further amended by striking the first sentence of said section and inserting in place thereof the following sentences:

"The Commissioner shall, in consultation with and subject to the approval of the area board appoint in each community mental health and retardation area an area director and an associate area director. Such area director and associate area director shall be appointed for a term of no longer than one year and may be reappointed annually by the Commissioner with the concurrence of the area board."

SECTION 3. Section 18 of chapter 19 of the General Laws is amended by striking the first sentence of the fifth paragraph, and substituting the following:

"The area director shall, in consultation with and subject to the approval of the area board, prepare and submit an annual area plan to the regional mental health administrator and to the regional administrator for mental retardation."

SECTION 4. Section 18 of chapter 19 of the General Laws is amended by striking the first sentence of the sixth paragraph, and substituting the following:

"The area director shall also, in consultation with and subject to the approval of the area board, prepare and submit to the regional mental health administrator and to the regional administrator for mental retardation the proposed annual budget of the area for programs to be supported on the area level."

SECTION 5. Subsection (*b*) of section 23 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the Acts of 1966, is hereby amended by adding at the end the following words:

"and to evaluate at least annually the functioning of each area operation receiving funds from the department of mental health."

SECTION 6. Subsection (*c*) of section 23 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the Acts of 1966, is hereby amended by striking out the words "to

advise in the recruitment and selection of the area director" and inserting in place thereof the following:

"To advise in the recruitment and concur in the selection of the area director . . ."

SECTION 7. Subsection (*d*) of section 23 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by inserting after the word "recommendations" the words "and approve".

SECTION 8. Section 23 of said chapter 19 is hereby amended by striking out subsection (*i*) as appearing in section 1 of chapter 735 of the acts of 1966, and inserting in place thereof the following subsection:

"(*i*) To receive and expend funds under contracts or other agreements from community sources, including municipalities as authorized by clause (40C) of section five of chapter forty for the rendering of services in collaboration with such municipal or other community or private agencies providing cooperative or complimentary services."

SECTION 9. Said section 23 of said chapter 19, as so appearing, is hereby further amended by adding at the end the following subsection:

"To evaluate the adequacy, functioning, operation, and competency of all private practitioners and agencies which render mental health and retardation services and who are in receipt of public funds."