

By Mr. Scibelli of Springfield, petition of Anthony M. Scibelli and Athan Catjakis relative to the treatment of mentally ill 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-Seven.

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AN ACT RELATIVE TO THE TREATMENT OF MENTALLY ILL.

*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, is hereby amended by  
3 striking out in lines 22, 23, 24, 25 and 26 the words "a very  
4 substantial risk of physical impairment or injury to the person  
5 himself as manifested by evidence that such person's judgment is  
6 so affected that he is unable to protect himself in the community  
7 and that reasonable provision for his protection is not available  
8 in the community" and inserting in place thereof the words: —  
9 the person substantially unable to provide for some of his basic  
10 needs, such as food, clothing, shelter, health or safety, or will, if  
11 not treated, suffer or continue to suffer severe and abnormal  
12 mental, emotional, or physical distress and this distress is  
13 associated with significant impairment of judgment, reason, or  
14 behavior causing a substantial deterioration of his previous ability  
15 to function on his own.

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

4 (g) If the Court finds that a treatment program other than  
5 hospitalization is adequate to meet the person's treatment needs,  
6 the Court may order the patient to receive whatever treatment  
7 other than hospitalization is appropriate. The release of such

8 patient to outpatient treatment is upon the condition that, if the  
9 patient fails to follow through with or respond to such treatment  
10 he may be returned to inpatient treatment for the remainder of  
11 the operative period or commitment.