

By Mr. Cohen of Newton, petition of David B. Cohen that provision be made for medical care for persons in mental health facilities. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT FOR THE PROVISION OF MEDICAL CARE FOR PERSONS IN MENTAL HEALTH FACILITIES.

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. The first paragraph of section 4 of chapter 123
2 of the General Laws, as appearing in the 1984 Official Edition,
3 is hereby amended by striking out the words "a physical
4 examination by a physician licensed under the provisions of
5 chapter one hundred and twelve at least once in every twelve
6 month period" and inserting in place thereof the words: — a
7 comprehensive physical examination, including a complete
8 psycho-neurological evaluation, by a physician licensed under the
9 provisions of chapter one hundred and twelve at least upon
10 admission and once in every twelve month period.

1 SECTION 2. Section 4 of said chapter 123, is hereby amended
2 by inserting after the third sentence the following: —

3 If, during an admission examination, a periodic physical
4 examination, or on an ongoing basis, the person is determined
5 by the examining physician to require acute, specialized,
6 rehabilitative, or convalescent nursing or medical care, the facility
7 shall provide such care or shall ensure that such care is provided
8 at another, more appropriate facility.

9 During an admission examination, a periodic physical
10 examination, or on an ongoing basis, the examining physician
11 shall identify all persons who require intermediate nursing
12 services, skilled nursing services, or chronic disease and

13 rehabilitation hospital services, as defined in the regulations
14 promulgated by the department of public welfare, regardless of
15 any person's need to have such services provided in an institutional
16 setting. Upon identification, a report shall be made to the
17 commissioner, who shall keep ongoing statistics regarding such
18 patients.

19 The department of mental health shall provide an individual
20 service plan for every person so identified within 30 days of
21 identification, which shall be written pursuant to the standards
22 and procedures set out in the regulations of the department of
23 mental health with regard to individual service planning, and shall
24 note each of the person's physical health care needs and
25 recommend alternative services and placement, if appropriate.
26 The completed individual service plan shall be reported to the
27 commissioner, who shall determine and provide appropriate
28 services and/or placement for the individual based on an analysis
29 of the recommendations made in the individual service plan.
30 Alternative placements and services shall be provided in the
31 context of a comprehensive statewide plan for specialized services
32 for chronically medically involved, chronically mentally ill
33 patients developed by the commissioner, and shall be provided
34 in age-appropriate and disability-appropriate settings in each
35 district of the department of mental health. Except in an
36 emergency, no identified individual shall be transferred to an
37 alternative placement without the provision of a complete
38 individual service plan which recommends such placement.

39 The commissioner shall assure that interim physical health care
40 services are provided to identified persons as needed, pending the
41 delivery of alternative services or placement.

1 SECTION 3. The department of mental health shall identify
2 all patients who require intermediate nursing services, skilled
3 nursing services, and chronic disease and rehabilitation hospital
4 services, who are currently residing in state mental health facilities,
5 and provide identified patients with individual service plans by
6 July first, nineteen hundred and eighty-seven. The commissioner
7 shall complete a comprehensive statewide plan to provide
8 appropriate services to identified patients, based on an analysis

9 of the service recommendations made in said individual service
10 plans, and fully implement the provisions of the comprehensive
11 statewide plan by January first, nineteen hundred and eighty-
12 eight.

1 SECTION 4. Chapter 19 of the General Laws is hereby
2 amended by adding after section 10 the following section under
3 the caption MEDICAL DIRECTOR; APPOINTMENT;
4 QUALIFICATIONS; DUTIES: —

5 Section 10A. The commissioner shall appoint a medical
6 director who shall perform duties relative to the provision of
7 medical and nursing care to clients of the department and who
8 shall be responsible directly to the commissioner. Said medical
9 director shall devote full time to his duties.

10 Said medical director shall be a physician with specialties in the
11 areas of both internal medicine and psychiatry.

12 It shall be the duty of the medical director to assure the quality
13 of medical and nursing services in department facilities, and to
14 monitor the delivery of and need for longterm medical and nursing
15 services for persons identified as having intermediate nursing care,
16 skilled nursing care or chronic disease and rehabilitation hospital
17 level care needs as well as chronic psychiatric and/or behavior
18 management needs who are served by the department's
19 comprehensive statewide plan. It shall further be the duty of the
20 medical director to fully implement the requirements of section
21 four of chapter one hundred twenty-three relative to the delivery
22 of medical care.

23 It shall further be the duty of the medical director to keep
24 records regarding all department contracts or agreements with
25 health care providers. It shall be the duty of the medical director
26 to assure that transportation is readily available between
27 department facilities and health care providers, that both written
28 and verbal communication between department facilities and
29 health care providers regarding patient care is prompt and
30 adequate, and that adequate follow-up care is available to patients
31 as recommended by health care providers.

32 The medical director shall employ a staff of qualified full time
33 employees.

1 SECTION 5. Chapter 6A of the General Laws is hereby
2 amended by adding after section 16 the following section under
3 the caption TASK FORCE ON PSYCHIATRIC/MEDICAL
4 SERVICES: —

5 Section 16A. The secretary of the executive office of human
6 services shall establish a task force which shall be composed of
7 representatives of the department of mental health, the
8 department of public health, the department of public welfare, the
9 rate setting commission, and three mental health consumer or
10 advocacy groups including the Massachusetts mental health
11 protection and advocacy project, which shall monitor the delivery
12 of and need for long-term combined psychiatric/ medical services
13 for chronically mentally ill chronically medically ill people in the
14 commonwealth, including services for identified individuals under
15 the department of mental health comprehensive statewide plan to
16 provide specialized services to medically involved patients,
17 services provided by all special project status facilities established
18 under the psychiatric nursing home pilot project of the interagency
19 task force of the executive office of human services health care
20 group, services provided to people in psychiatric/medical units
21 in any department of mental health or department of public health
22 hospital, and services provided to patients in other psychiatric/
23 medical programs in any public or private facility.