

By Ms. Fox of Boston, petition of Gloria L. Fox, other members of the General Court and another relative to comprehensive care for the prevention, early intervention and treatment of substance abuse among pregnant and parenting women. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO COMPREHENSIVE CARE FOR THE PREVENTION, EARLY INTERVENTION, AND TREATMENT OF SUBSTANCE ABUSE AMONG PREGNANT AND PARENTING WOMEN.

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. Preamble.

2 *Whereas*, 1. Drug and alcohol addiction are individual and
3 societal diseases that should be treated through the health and
4 social services sytems rather than through the criminal and judicial
5 systems. Maternal substance abuse during pregnancy constitutes
6 a severe and widespread public health problem, with tragic
7 consequences for a large and growing number of children and their
8 families in the Commonwealth; and

9 2. Our judicial, prison, and foster care systems have become
10 increasingly overburdened with the substance abuse-related
11 problems of addicted mothers. Punitive approaches to pregnant
12 substance abusing women deter them from seeking drug and
13 alcohol treatment and prenatal and other health care necessary
14 to the birth of healthy children.

15 3. Multiple agencies often work independently without
16 adequate collaboration and coordination, and the legal system is
17 often asked to intervene before adequate and appropriate family
18 support are received.

19 *Therefore*, The Commonwealth should seek to eliminate
20 barriers to the treatment of substance abusing pregnant women,

21 including discrimination against pregnant women and punitive
22 measures which drive women away from the health care and social
23 services systems.

24 The Commonwealth should promote the planning, develop-
25 ment, and coordination of services to meet the growing problem
26 of substance exposed infants, and to expand services to this high-
27 risk population.

1 SECTION 2. Agency Coordination.

2 The Department of Public Health, and certain divisions within
3 the department, in collaboration with the Interagency Committee
4 as established in Section 3 of this chapter, and in collaboration
5 with the Department of Social Services and other appropriate
6 state agencies, hospitals, health centers and clinics, shall develop
7 and implement a comprehensive system of care to address the
8 needs of substance abusing pregnant and parenting women and
9 their children. Such state agency collaboration shall be established
10 through interagency agreements or other such arrangements. The
11 Department of Public Health and other state agencies may
12 promulgate regulations as necessary to implement this chapter.

1 SECTION 3. Interagency Collaboration.

2 The Governor of the Commonwealth shall appoint an
3 Interagency Committee on Parental Drug and Alcohol Abuse to
4 review programs and policies and advise state agencies regarding
5 prevention, education, training, and treatment, health care and
6 social services, and other activities that relate to children, youth
7 and families at-risk due to parental drug and alcohol abuse. The
8 Committee shall include, but not be limited to, representatives
9 from:

10 The Executive Office of Health and Human Services

11 The Department of Public Health, including the Division of
12 Substance Abuse Services, the Bureau of Child, Parent and
13 Adolescent Health, the Bureau of Community Health

14 The Department of Mental Health

15 Office for Children

16 Department of Public Welfare; Division of Medical Assistance-
17 Medicaid

- 18 The Department of Youth Services
19 The Department of Correction
20 The Department of Education
21 The Department of Social Services
22 The Department of Public Welfare
23 The Division of Medical Security
24 Executive Office of Communities and Development
25 The Committee shall identify sources of additional funding
26 develop proposals for expanding substance abuse treatment;
27 services for pregnant and parenting women and their children;
28 including child care for women in treatment services.
29 Specific and formal interagency agreements shall be developed
30 which address issues of financial support as well as programmatic
31 linkages between substance abuse treatment and support services
32 for families which address a wide range of services necessary to
33 support successful outcomes for mothers, children, and families.
34 Other methods for ensuring interagency collaboration as well
35 as cooperation among the public and private sectors serving this
36 target population shall be developed.

1 SECTION 4. Comprehensive System of Care.

2 Pursuant to section 2 of this chapter and subject to
3 appropriations, the comprehensive and coordinated system of
4 care shall include the following:

5 a. Substance abuse treatment that is culturally sensitive,
6 community-based, and tailored to meet the special needs of
7 pregnant and parenting women; continuum of care that includes
8 prevention, early intervention, treatment and relapse prevention
9 services in both residential and outpatient settings, and including
10 provisions for child care.

11 (b) Comprehensive perinatal, including the prenatal, intrapar-
12 tum and postpartum period, and primary health care services shall
13 be available and accessible to women addicted to drugs and
14 alcohol; comprehensive health services including obstetrical and
15 reproductive health, health promotion and education, family
16 planning, nutrition, behavioral and mental health and HIV
17 prevention and education; case management services including
18 referral and consultation with other specialized providers in order
19 to reduce medical and psycho-social risk. Such providers include,

20 but are not limited to, medical, genetic, dental, home health and
21 mental health.

22 Risk assessments of pregnant women conducted by trained staff
23 in public and private prenatal medical programs and social service
24 agencies.

25 Education of pregnant women about the specific risks of
26 alcohol and drug abuse during pregnancy. Information shall be
27 provided in culturally-appropriate written and verbal formats.

28 Informational referrals by each hospital or other medical
29 providers to any pregnant or postpartum patient within the first
30 six weeks after childbirth who shows symptoms of substance
31 abuse. Information shall be given about entitlement programs for
32 which she may be eligible; area substance abuse treatment for
33 which she may be eligible; area substance abuse treatment
34 programs; and community-based support services.

35 c. Family-centered, community-based, comprehensive and
36 coordinated pediatric primary and, when indicated, special health
37 care shall be provided to all infants and young children who have
38 been prenatally exposed to drugs and alcohol. Comprehensive and
39 coordinated pediatric care shall include a broad range of health,
40 educational, social and related services that are planned and
41 implemented so as to form a cohesive therapeutic program
42 including, but not limited to, physiological, nutritional,
43 psychosocial, neuro-developmental, behavioral, environmental
44 and cultural factors that affect health and development.

45 d. Comprehensive services to support and strengthen family
46 functioning, including:

47 Outreach and case management services;

48 Assistance to obtain adequate and safe housing, food, medical
49 care, transportation, and other necessities;

50 Education and counseling directed toward improvement of
51 parenting skills and reduction of family isolation;

52 Child Care;

53 Job-related services, including but not limited to, GED,
54 vocational training, placement assistance.

55 Services shall be provided for the training and support of
56 parents, including foster parents, caring for infants, and children
57 exposed to alcohol and/or drugs prenatally, and should include,
58 but not be restricted to;

59 Training in the areas of perinatal effects of drug and alcohol,
60 failure to thrive, AIDS, and other related topics;
61 In-home training and consultation by nursing and other
62 professionals;
63 Transportation, babysitting, and other support services to
64 enable medical visits and treatment for affected children;
65 Respite services;
66 Pediatric hospice and grief counseling services;
67 In-home therapeutic and early intervention services for the
68 affected children.

