

ACTS, 1984. - Chap. 464.

available federal deposit insurance, such time deposits are fully secured by obligations described in items (i) through (iv) above, which at all times have a market value (exclusive of accrued interest) at least equal to such bank time deposits so secured, including interest, or such deposits are due within one year and are issued by banks the senior long-term debt securities of which are rated in one of the four highest categories by any nationally recognized rating agency, (vii) repurchase agreements for obligations of the type specified in clauses (i) through (iv) above with federally insured banking institutions which have a capital and surplus aggregating at least one hundred million dollars, provided such repurchase agreements are fully collateralized and secured by such obligations having a market value, exclusive of accrued interest, at least equal to the purchase price of such repurchase agreements and which shall be delivered to a trustee and (viii) investment agreements with banks the senior long-term debt securities of which are rated in one of the four highest categories by any nationally recognized rating agency and which have a capital and surplus aggregating at least one hundred million dollars.

SECTION 10. The third paragraph of section 96 of chapter 140 of the General Laws, inserted by section 26A of said chapter 356, is hereby amended by inserting after the word "hundred", in line 11, the words:- , except in the event of prepayment or refinancing, in whole or in part, of any existing loans by such institution to any such student, or to any such parent, legal guardian or sponsor of a student, which refinancing or prepayment occurs within eighteen months of the date such loan was made.

Approved January 7, 1985.

EMERGENCY LETTER - January 8, 1985 @ 4:36 P.M.

Chap. 464. AN ACT PROHIBITING ABUSE OF MENTALLY ILL PATIENTS.

Be it enacted, etc., as follows:

Section 21 of chapter 123 of the General Laws is hereby amended by striking out the third paragraph and substituting in place thereof the following:-

Restraint of a mentally ill patient may only be used in cases of emergency, such as the occurrence of, or serious threat of, extreme violence, personal injury, or attempted suicide; provided, however, that written authorization for such restraint is given by the superintendent or director of the facility or by a

ACTS, 1984. - Chap. 464.

physician designated by him for this purpose who is present at the time of the emergency or if the superintendent or director or designated physician is not present at the time of the emergency, non-chemical means of restraint may be used for a period of one hour provided that within one hour the person in restraint shall be examined by the superintendent, director or designated physician. Provided further, that if said examination has not occurred within one hour, the patient may be restrained for up to an additional one hour period until such examination is conducted, and the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the examination was not completed by the end of the first hour of restraint.

Any minor child placed in restraint shall be examined by a physician within 15 minutes of the order for restraint. A physician shall review the restraint order, by personal examination of the child or consultation with ward staff attending the child, every hour thereafter. No order for restraint shall be valid for a period of more than three hours beyond which time it may be renewed by the superintendent, director or authorized physician only upon personal examination. The reasons for the original use of the restraint, the reason for its continuation after each renewal and the reason for its cessation shall be noted upon the restraining form by the superintendent, director or authorized physician at the time of each occurrence.

No person shall be kept in restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in restraint. However, the person may be in attendance immediately outside the room in full view of the patient when an adult is being secluded without mechanical restraint. Provided, however, that in emergency situations when a person specially trained is not available, a person may be kept in restraint unattended for a period not to exceed two hours. In that event, the person kept in restraints must be observed at least every five minutes. Further, the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the specially trained attendant was not available.

No "P.R.N." or "as required" authorization of restraint may be written.

No restraint is authorized except as specified in this section in any public or private facility for the care and treatment of mentally ill or mentally retarded persons including the intensive care unit and Bridgewater.

No later than eight hours after the period of restraint, a copy of the restraint form shall be delivered to the person who was in restraint. A place shall be provided on the form or on attachments thereto, for the person to comment on the circumstances

ACTS, 1984. - Chap. 465.

leading to the use of restraint and on the manner of restraint used.

A copy of the restraint form and any such attachments shall become part of the chart of the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of mental health who shall review them and sign them within thirty days, and statistical records shall be kept therefor for each facility and each designated physician. Furthermore, such reports, excluding patient identification, shall be made available to the general public at the department's central office.

Responsibility and liability for the implementation of the provisions of this section shall rest with the department, the superintendent or director of each facility or the physician designated by such superintendent or director for this purpose.

Approved January 7, 1985.

Chap. 465. AN ACT PROVIDING FOR AN EXPEDITED PROCEDURE RELATIVE TO ABATEMENTS OF TAXES ON CERTAIN ABANDONED REAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 58 of the General Laws, as most recently amended by section 37 of chapter 514 of the acts of 1978, is hereby further amended by adding the following two paragraphs:-

The commissioner shall make, and from time to time revise, such rules and regulations necessary for establishing an expedited procedure for denying or granting authority to abate taxes, assessments, rates, charges, costs or interest under this section for abandoned residential property, as defined in section 1 of chapter 60, of six units or less that are proposed to be rehabilitated into six units or less, and further, no real estate shall be eligible for this expedited process on which no residential structure of any kind now stands or no portion of a residential structure remains above ground level. Said rules and regulations for said expedited procedure shall include, but not be limited to, the following: (1) an informal hearing on an abatement petition, which petition shall be required to be submitted together with information including rehabilitation plans for the property and a statement as to how such abatement will benefit the municipality; (2) an opportunity for a petitioner to request a rehearing if an application is denied; (3) limitation of 15 units irrespective of the number of parcels in which they are contained except as hereinafter provided. In determining the said number of units, the commissioner shall authorize that