

**SENATE . . . . . No. 1726**

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***The Commonwealth of Massachusetts***

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SENATE, October 29, 1991.

The committee on Ways and Means, to whom was committed the Senate Bill relative to Northampton State Hospital (Senate, No. 1617), reports recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 1726).

For the committee,

LINDA J. MELCONIAN.

**The Commonwealth of Massachusetts**

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

## AN ACT RELATIVE TO NORTHAMPTON STATE HOSPITAL.

1     *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to immediately ensure the continued  
3 delivery of mental health services in western Massachusetts,  
4 therefore it is hereby declared to be an emergency law, necessary  
5 for the immediate preservation of the public convenience.

*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. Notwithstanding the provisions of any general or  
2 special law to the contrary, prior to implementation of the June,  
3 nineteen hundred and ninety-one, recommendations of the  
4 governor's special commission on consolidation of health and  
5 human services institutional facilities with respect to Northamp-  
6 ton State Hospital, the department of mental health, hereinafter  
7 the department, is directed to review the special commission's plan  
8 and prepare its own recommendations for the placement,  
9 exclusively in western Massachusetts, of all patients now treated  
10 at or residing in Northampton State Hospital, including all new  
11 and recurring patients and patients who are at risk for  
12 hospitalization. The department's recommendations shall provide  
13 justification, including a financial analysis of any cost savings,  
14 both short and long term, of the placement of each patient in an  
15 appropriate care setting in the community, including but not  
16 limited to general hospitals, nursing homes, community residences  
17 and other private sector placements. The department's  
18 recommendations shall also designate in detail the procedures,  
19 including the person or parties who will be responsible, for the  
20 admission or discharge of these patients. In addition, the  
21 department's recommendations shall include a plan for  
22 maintaining an adequate staffing level at Northampton State

23 Hospital in order to ensure patient treatment and safety during  
24 the transfer of patients to the community.

25 At least sixty days prior to implementing any changes at  
26 Northampton State Hospital pursuant to this act or the governor's  
27 special commission recommendations, the department shall file  
28 with the clerks of the house of representatives and the senate its  
29 own recommendations, which shall be forwarded to the house and  
30 senate committees on ways and means. If the General Court does  
31 not disapprove the department's recommendations within sixty  
32 days of the date they have been filed with said clerks, the  
33 department may proceed to implement said recommendations.

1 SECTION 2. There is hereby established a special commission  
2 consisting of eleven members, including two members of the house  
3 of representatives, who shall be appointed by the speaker of the  
4 house; two members of the senate, who shall be appointed by the  
5 senate president; the commissioner of mental health or his  
6 designee; one member representing the Western Massachusetts  
7 Mental Health/Mental Retardation Association, to be chosen by  
8 said organization; one member representing Western Massachu-  
9 setts Legal Services, to be chosen by said organization; one  
10 member representing the Massachusetts Hospital Association, to  
11 be chosen by said organization; one member representing families  
12 of patients residing at the hospital, to be chosen by their peers;  
13 one member representing the Alliance for the Mentally Ill of  
14 Western Massachusetts, Inc., to be chosen by said organization;  
15 and one member of an employee organization representing  
16 employees at Northampton State Hospital, to be chosen by  
17 employee organizations at the hospital. Said commission shall be  
18 chaired jointly by one of the senate members of the commission  
19 and one of the house members of the commission. The  
20 commission shall elect the co-chairs by majority vote of its  
21 members. The commission shall meet at least once every thirty  
22 days, and upon written request to the co-chairs by three members.  
23 The members of the commission shall serve without additional  
24 compensation.

25 Said commission shall be charged with the responsibility of  
26 supervising an orderly and humane transfer of patients to

27 community placements. The commission shall file with the clerks  
28 of the house of representatives and the senate any draft legislation  
29 to implement improvements the commission would make to any  
30 procedures for the benefit of the patients. The commission shall  
31 be dissolved only upon the final transfer of patients to the  
32 community.