

Accompanying the second recommendation of the Department of Mental Health (House, No. 190). State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CHANGING THE NAME OF THE DEPARTMENT OF MENTAL HEALTH.

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 one of chapter nineteen of the General
2 Laws is hereby amended by deleting the first sentence and
3 substituting in place thereof the following: —

4 There shall be a department of mental health and mental
5 retardation, in this chapter called the department, and a commis-
6 sioner of mental health and mental retardation who shall have and
7 shall exercise exclusive supervision and control of the department.

1 SECTION 2. Section three of chapter nineteen of the General
2 Laws is hereby amended by deleting the first sentence and
3 substituting in place thereof the following: —

4 The commissioner shall appoint with the approval of the
5 governor, a person qualified to serve as deputy commissioner of
6 mental health and mental retardation.

1 SECTION 3. Section one of chapter one hundred and twenty-
2 three of the General Laws is hereby amended by deleting the
3 definitions for "Commissioner" and "Department" and substitu-
4 ting in place thereof the following: —

5 "Commissioner", the commissioner of mental health and men-
6 tal retardation.

102 (10) In cases where the substituted judgment determination of
103 the patient consent monitor is to accept treatment with antipsy-
104 chotic medication, such treatment shall be monitored by the
105 patient consent monitor and, in addition, in cases involving formal
106 reviews, by the independent patient advocate. The patient consent
107 monitor shall conduct follow up informal reviews and, if a sub-
108 stantial question is identified, formal reviews at such times as he
109 deems necessary and, in any event, once at the end of the first two
110 months after the initial substituted judgment determination, once
111 at the end of the first four months after such initial determination
112 and thereafter at the time of each periodic review required by
113 section four of this chapter. The procedures and standards for such
114 follow up informal and formal reviews shall be the same as for the
115 initial reviews provided for by this section.

1 *Section 23B.* Where a person who is treated at a facility or
2 program that is not department operated or funded does not refuse
3 treatment with antipsychotic medication, and where said person
4 has been determined by a qualified physician to be incapable of
5 making informed decisions concerning treatment with such medi-
6 cation, and where authorization for such treatment has not been
7 provided by a judicial determination of substituted judgment, the
8 department, or, in the case of a facility operated by another state
9 agency, such other state agency, may provide by regulation for
10 said person's acceptance of such treatment to be reviewed and to
11 be authorized or denied according to written procedures estab-
12 lished by the facility or program which shall be substantially
13 equivalent to those provided for in section 23A and which shall be
14 subject to approval by the commissioner, or, in the case of a facility
15 operated by another state agency, by the head of such other state
16 agency.