

HOUSE No. 1895

By Representative Provost of Somerville and Senator Jehlen, joint petition of Denise Provost and others relative to the rights of persons receiving services from program or facilities of the department of mental health. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

PETITION OF:

Denise Provost
Patricia D. Jehlen
Carl M. Sciortino, Jr.
Timothy J. Toomey, Jr.
Barbara A. L'Italien
Willie Mae Allen
Robert L. Rice, Jr.
Elizabeth A. Malia

In the Year Two Thousand and Seven.

AN ACT REGARDING RIGHTS OF PERSONS RECEIVING SERVICES FROM PROGRAM OR FACILITIES 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 23 of Chapter 123 of the General Laws, as appearing in
2 the ___ Official Edition, is hereby amended by striking the seventh
3 paragraph and inserting in place thereof the following paragraphs:—
4 Any such person who believes that their aforementioned rights in
5 clauses (a) to (e), inclusive were violated may seek redress through
6 the following procedure:—
7 Any person alleging such violation should file a written request
8 for a hearing with the Department stating the right(s) violated and
9 request a hearing officer be assigned to conduct an impartial hearing
10 based on the alleged violation.
11 The hearing officer shall select a hearing location convenient to
12 the Department and the client and shall conduct the hearing in not
13 less than 10 business days and not later than 30 business days after
14 the receipt of the request for the hearing. The client and the Depart-
15 ment may be represented by an attorney or other person and shall be

16 afforded the opportunity to present evidence, to examine adverse
17 evidence and to examine and cross examine witnesses.

18 Within 30 days after the conclusion of the hearing, the hearing
19 officer shall prepare a written decision containing findings of fact
20 and conclusions of law based on the evidence received at the
21 hearing. Said decision may order such remedial relief as necessary.
22 The hearing officer shall submit copies of the decision, together with
23 notice of appeal rights, to the client and the Department. The deci-
24 sion may be appealed to the superior court pursuant to section 14 of
25 chapter 30A.