

HOUSE No. 1903

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to provide services for medically ill and mentally ill persons. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO PROVIDE SERVICES FOR MEDICALLY ILL AND MENTALLY ILL PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 19 of the Mass. General Laws is hereby amended by
2 adding, after section one, the following new section:—

3 At least the first twelve and one-half percent of any placements of
4 persons in new department of mental health adult community resi-
5 dential programs receiving operating funds within a fiscal year,
6 including but not limited to placements in existing community resi-
7 dential programs which are not yet operational, shall be provided in
8 community residential programs with medical/nursing care compo-
9 nents for persons requiring both long-term mental health services
10 and at least intermediate nursing care services, as defined in the reg-
11 ulations of the department of public welfare, regardless of any per-
12 son's need to have such services provided in an institutional setting,
13 until such time that at least one hundred sixty such placements in
14 community residential programs with medical/nursing care compo-
15 nents are provided and maintained, as required by the comprehen-
16 sive statewide plan developed pursuant to Section 79 of Chapter 169
17 of the Acts of 1987.

18 In the event that twelve and one-half percent of the new commu-
19 nity residential placements funded equals an amount adequate to
20 provide only a fractional portion of, or a whole number plus a frac-
21 tional portion of, the operating or capital funds necessary to fund a
22 whole number of community residential programs with
23 medical/nursing care components, the department shall provide all
24 additional amount adequate to fund the next higher whole number of

25 community residential programs with medical/nursing care compo-
26 nents.

27 For each department of mental health inpatient bed that is closed
28 during a fiscal year, commencing with fiscal year nineteen hundred
29 and ninety, at the Hadley building at Westborough state hospital, the
30 Worcester geriatric unit at Worcester state hospital, and at any other
31 department of mental health inpatient unit(s) composed entirely or
32 almost entirely of clients with intermediate, skilled or chronic dis-
33 ease hospital level nursing care needs, an amount equal to the per
34 diem cost of operating such bed multiplied by the number of days of
35 the fiscal year during which the bed is closed, shall be transferred
36 from the department of mental health 5095-0000 account to the
37 5046-0000 account for the purpose of funding the operation of com-
38 munity residential programs with medical/nursing components as
39 required under said comprehensive statewide plan, and shall be
40 annualized in subsequent fiscal years in the 5046-0000 account.

41 The department of mental health shall create a master plan to
42 develop at least one hundred sixty community residential placements
43 with medical/ nursing care components, assuming five-year imple-
44 mentation, starting with fiscal year 2008, and requiring the develop-
45 ment of at least thirty-two placements per year, subject to
46 appropriation. The Department of Mental Health shall submit the
47 master plan to the house and senate committees on ways and means
48 on December 31, 2008 and shall submit a report regarding imple-
49 mentation of the master plan, adjusted if necessary based on the
50 prior or current fiscal year appropriation, quarterly thereafter. Such
51 plan shall require that programs be comparable in size to other
52 department of mental health community residential programs, and
53 geographically spread throughout the department of mental health
54 regions in the commonwealth. Such plan and quarterly reports shall
55 designate, by department of mental health region, the types of pro-
56 grams to be developed each year, the level of medical/nursing care
57 to be provided on site at each program, the projected starting date for
58 each program, the number of clients in each program, and the names
59 of clients projected for placement in each program.

60 The department shall keep a separate waiting list of persons
61 waiting for community residential placements with medical/ nursing
62 care components. Such list shall be developed by December 31,
63 2008, and updated monthly.